

**BARRIERS TO ADOPTION**

Y 4. L 11/4: S. HRG. 103-400

Barriers to Adoption, S. Hrg. 103-40...

**HEARING**

BEFORE THE

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS  
AND ALCOHOLISM

OF THE

COMMITTEE ON  
LABOR AND HUMAN RESOURCES  
UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

EXAMINING BARRIERS TO THE ADOPTION OF CHILDREN

JULY 15, 1993

Printed for the use of the Committee on Labor and Human Resources



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# C O N T E N T S

## STATEMENTS

THURSDAY, JULY 15, 1993

|  | Page |
|--|------|
| Salter, Shane, adopting parent and former foster care child, Children's Hospital, Washington, DC, and Lynn Gabbard, adopting parent, North Haven, CT .....   | 8    |
| Prepared statement of Ms. Gabbard .....  | 12   |
| Jackson, Reverend Jesse, Rainbow Coalition, Washington, DC .....   | 19   |
| Lakin, Drenda, director, National Resource Center for Special Needs Adoptions, Detroit, MI; Rose Zeltser, regional administrator for adoption operations and support, State of New Jersey; Patrick O'Brien, director, New York region, Downey Side, Inc.; and Sydney Duncan, director, Homes for Black Children, Detroit, MI ..... | 26   |
| Prepared statements of:  |      |
| Ms. Lakin .....  | 29   |
| Ms. Zeltser .....  | 50   |
| Mr. O'Brien .....  | 55   |
| Ms. Duncan .....   | 60   |
| Coats, Hon. Dan, a U.S. Senator from the State of Indiana, prepared statement .....  | 68   |
| Pierce, Bill, National Council for Adoption, Washington, DC; Reverend Wilbert Talley, president, Virginia One Church, One Child, Inc., Richmond, VA; and Joe Kroll, executive director, North American Council on Adoptable Children, St. Paul, MN .....   | 69   |
| Prepared statements of:  |      |
| Mr. Pierce .....   | 71   |
| Reverend Talley .....  | 76   |
| Mr. Kroll .....  | 84   |

## ADDITIONAL MATERIAL

|  |     |
|--|-----|
| Communications to:   |     |
| Metzenbaum, Hon. Howard M., a U.S. Senator from the State of Ohio, from:               |     |
| Marian Wright Edelman, President, Children's Defense Fund, dated July 15, 1993 .....   | 5   |
| Bill Pierce, PhD., president, National Council For Adoption, dated July 15, 1993 ..... | 97  |
| Amy Russell, program director, Child First United .....                                | 103 |
| Articles, publications, etc.:  |     |
| Transracial Adoption: Highlights of a 20-Year Study, by Rita Simon .....               | 98  |





# BARRIERS TO ADOPTION

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THURSDAY, JULY 15, 1993

U.S. SENATE,  
SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS, AND  
ALCOHOLISM, OF THE COMMITTEE ON LABOR AND HUMAN  
RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building, Senator Christopher J. Dodd (chairman of the subcommittee) presiding.

Present: Senators Dodd, Metzenbaum, and Wellstone.

## OPENING STATEMENT OF SENATOR DODD

Senator DODD. The subcommittee will come to order.

We welcome everyone here this morning to our hearing on barriers to adoption. I want to particularly welcome my colleague, Senator Metzenbaum of Ohio, who has a tremendous interest in this subject, particularly in the area of transracial adoptions. He has talked to me and to others on numerous occasions, and I will turn to him very shortly for opening comments, and then we'll turn to our witnesses.

Adoption is in the forefront of the minds of many Americans this week as we follow the heart-wrenching circumstances of the DeBoer case in Michigan; in fact, it was the subject of a cover story of one of the major magazines in this country. In that case, we see four parents torn apart over love for a child that they each consider their own.

Today we are going to look at another end of the spectrum. Namely, the growing number of children in this country who long for someone to adopt and to love them, but whose special needs make finding a family far more difficult. The overreaching principle tying the two extremes together is, or should be, in my view, the best interest of the child. That language, by the way, I would venture to guess that you would find in every single State statute in the United States, when it comes to adoption—"the best interest of the child." If there is a State statute that does not include that language, I'd like to know about it. Everyone I have ever spoken to claims that their overriding interest is in the best interest of the child.

In the DeBoer case, what has captured the attention of most Americans is the effect of the child of being removed from the home she has come to know as hers. Special needs children often suffer the pain of having no place they can truly call home, too often shuttled from one temporary foster home to another. In both these

instances, we must ask, is the best interest of the child being served?

Similar to the DeBoer case, a case in my home State of Connecticut illustrates this point very dramatically. A teenage mother who abandoned her infant at birth returned a few months later—this is not an uncommon fact situation—and challenged the adoptive parents in court. Late last year, the State supreme court awarded custody to the mother despite the fact that the child would have to leave a secure home to live with the natural mother in a homeless shelter. Clearly, in my view, the best interest of the child was not the deciding factor for the court in the State of Connecticut.

Today we will focus on children who have no permanent shelter where they can feel safe and comforted. We will explore ways to remove the barriers to finding special children permanent, nurturing homes.

Special needs can mean a variety of circumstances or conditions. They can be mental, physical, or emotional disabilities; the child's age can be a special need; siblings who would be placed together represent special circumstances; or, being part of a minority ethnic group can also create a special needs situation. Special needs may involve severe emotional and behavioral problems, resulting, too often these days, from significant trauma caused by earlier treatment by caretakers, including deprivation, physical and sexual abuse, abandonment, loss, and multiple foster care placements.

I want to share with you some statistics now—and too often, these things become sort of numbing—but I think these numbers are glaring and startling and highlight the significance of this issue and the problem that lurks right on the horizon for all of us in this country.

Six years ago, this same subcommittee held a similar hearing as part of our oversight of the Adoption Opportunities Act, which was authorized again last year. That Act promotes the adoption of special needs children through supportive services to adopting families and recruitment of minority adoptive families. The Act has made a difference and a significant one. Some of the witnesses you will hear today will talk about programs that receive funding under that Act.

Still there is much that needs to be done. Child abuse has increased dramatically in this country. Child abuse reports and abuse-related fatalities have risen 50 percent since that last hearing. I am a strong proponent of early intervention to support families, having authored the Family Resource and Support Centers legislation, the Children of Substance Abusers Act, and other related bills. Still I recognize that, in some cases, the best interests of the children are served by permanent placement outside their biological family. I say that with deep regret.

Obviously, we have to do everything we can to strengthen and preserve the family. But in some cases that is not possible. That is an ugly and difficult conclusion to reach, but it is one with which we as a society have got to come to terms. When that happens, we have got to be concerned about the safety and the well-being of the child. That has got to come first.

The total number of children in foster care has increased by more than 50 percent since our last adoption hearing a few years ago.



Today there are nearly half a million children in the foster care system in the United States. At the time of the last hearing, there were 36,000 special needs children in foster care who were legally available for adoption. That is, parental rights have been terminated. While the number of children who are legally available for adoption has not increased since that time, what has increased dramatically is that it is estimated that some 85,000 special needs children currently under foster care will need adoption and planning services.

These increased numbers have completely overwhelmed most State child welfare system resources, so that the permanent placement of children becomes even more difficult today. A study of the Michigan child welfare system—aptly titled, I might add, “Raised by the Government”—revealed that one-third of these children never find a permanent home—one-third of them. Similar findings have been reported for Illinois and New York, and it is likely these conditions exist throughout the country.

Clearly, the need to free children for adoption is a major systemic barrier that must be overcome. While we mull over the numbers, the toll on the child in foster care, hoping for a home to call his or her own, must be enormous. One of our witnesses this morning will tell us of his own experience as a foster child awaiting placement. He is now an adoptive parent himself and an active advocate for adoption.

Older children with an accumulation of problems over time have great difficulty being placed. Many simply “age out” of the foster care system. My father’s sister, Mary Dwyer, is now 85 years of age, but she adopted two children, my two cousins, and both were almost teenagers when she adopted them. And Ray and Roger had significant difficulties as children, but because of tremendous loving care, those children have done tremendously well and are fine today. But it was very difficult. With special needs, as they get older, they are not as attractive, they are not as cuddly or as cute, and they begin to develop some serious problems that they can express more vocally. So it takes very special people willing to take on older children. My aunt happened to be one of those very special people.

At any rate, as one of our witnesses will tell us, “difficult” does not mean “impossible.” My aunt is certainly a witness to that. But he will also describe what his agency is doing to address the permanent placement of older children.

For children of color, foster care placements have reached epidemic proportions, with rates of placement three times those for the U.S. population as a whole. More than half the children awaiting adoption nationally are children of color. Today, in seeking ways to open the doors to permanent homes for these children, we will hear about programs that recruit minority parents, particularly African—American parents, for minority children.

Our last panel will focus particularly on the issue of transracial adoption. Senator Metzenbaum has introduced legislation that would prevent agencies from delaying adoptions because of the search for parents of the same race or ethnicity. This is a controversial topic, and I believe we’ll be hearing a variety of views on the need for such legislation.

As we discuss this issue, we should keep in mind that the courts have already ruled that adoption placement cannot be decided solely on the basis of race. Also, we must ensure that agencies are making concerted efforts to recruit minority parents to be adoptive parents. As we will hear today, agencies that make such efforts have been very successful at placing children in same race families.

Also, we know that the primary feature of families who adopt special needs children is that they have first been foster parents. In some States, 80 to 90 percent of adopting families were foster parents. Therefore, when we discuss recruitment, we must address the issue of recruitment of foster families as well. And sometimes that's a lot harder than recruiting adoptive parents.

Finally, we must find ways to help adopting families deal with the stresses created by adopting and, particularly, by meeting the special needs of their children. Supportive, postlegal adoption services are critical to keeping these newly formed families together. Several witnesses today will tell why this is so, both from the perspective of the adopting parent dealing with a child who has been severely abused, is angry, distrustful, and prone to behavioral problems, and from the perspective of private and public adoption programs that provide support for these parents.

Our perspective today is that every child—every child—has the right to a warm and nurturing permanent home. No child should be left to languish in foster care or move from one foster situation to another with no chance to form permanent attachments. With adoption, children have the support of a family that does not end abruptly at age 21 or 18, but that will continue throughout their lives, both the child's and the parents'.

But as we discuss the issues surrounding the adoption of special needs children, let us never, ever, ever forget this morning, or beyond this hearing, that we must be guided by the one overarching principle, and that is the best interest of the child.

With that, let me turn to my colleague Senator Metzenbaum.

#### OPENING STATEMENT OF SENATOR METZENBAUM

Senator METZENBAUM. Mr. Chairman, I just want to compliment you for an absolutely magnificent opening statement. You are right on target. You said it as well as anybody could possibly say it, and your last phrase certainly summed it up, and that the overriding concern must be the child.

I do not know of any issue in the Congress that I feel more strongly about. With many issues, we have lobbyists on one side and lobbyists on the other, and the battle is waged in newspaper editorials and so on. But in this instance, the child who does not have a parent, and may be in a foster home or may even be in an institution, needs all our tender, loving concern.

Adoption is an issue of vital concern for those directly involved, but it is a concern for all of us in society as well. Nurturing, stable adoptive families bring countless benefits to us all. It enhances the community. It enhances the quality of life, certainly for the child.

In preparing for today's hearing, I remembered the first hearing on barriers to adoption that I attended here in this room in 1985. At that hearing, which was chaired by my good friend from Utah,



I was deeply moved by the love, strength and commitment of special needs children and the people who adopt them.

I am equally impressed by the adoptive families who have come here to testify today. During the 1985 hearing, we also became aware of the barriers to transracial adoption. As a person who has fought for civil rights all my life, going back to my college days, even my high school days, I simply could not believe that in this day and age, we still have formal policies against transracial adoptions. That is unbelievable to me, incredible!

The testimony at the PBS hearing of a white foster mother who encountered numerous obstacles in trying to adopt her black foster children summed up my feelings with her statement that she did not spell love, "c-o-l-o-r."

Since that hearing, I have made no secret of the fact that I believe it is illegal, I believe it is unfair, cruel and destructive to deny a child a caring and stable adoptive home with parents of a different race when appropriate parents of the same race are not available.

Yesterday Senator Carol Moseley-Braun and I introduced legislation, the "Multi-Ethnic Placement Act," S. 1224, that reaffirms basic civil rights principles that race should not be the controlling factor in making foster care and adoptive placements.

I believe that same race placement is always desirable if the prospective parents are appropriate. For that reason, our bill also states that "race, color or national origin may be one of many factors to consider in determining placement that is in the best interest of the child."

I am pleased that the Reverend Jesse Jackson of the Rainbow Coalition and Mr. Bill Pierce of the National Council for Adoption are both here today to testify in support of our bill and the policy of transracial adoption.

Marian Wright Edelman of the Children's Defense Fund has also submitted a letter of support for our bill, and I'll ask to make it part of today's hearing record.

Senator DODD. Without objection.

[The letter from Ms. Edelman follows:]

CHILDREN'S DEFENSE FUND, 25 E STREET, NW  
Washington, DC, July 15, 1993.

The Honorable HOWARD M. METZENBAUM,  
United States Senate,  
140 Senate Russell Office Building,  
Washington, DC.

DEAR SENATOR METZENBAUM: I am sorry that I am not able to join you at the committee's hearing on Barriers to the Adoption of Children with Special Needs. As you know, I share your concerns about the many barriers which continue to deny permanent families to children who cannot be reunited with their birth families. Children's Defense Fund (CDF) staff have advocated for enhancements in adoption assistance for children with special needs for well over a decade. Our 1979 report, *Children Without Homes*, documented an anti-family bias that followed children throughout the placement process, and often left them lingering indefinitely in foster care without permanent families.

The adoption Assistance and Child Welfare Act of 1980 offered new opportunities for adoption for many children and the number of adoptions of children with special needs increased dramatically across the country. However, as you will hear at your hearing, much still needs to be done to ensure every child a permanent family. Some additional improvements will result from passage of the child welfare, family preservation and support provisions currently pending in the House Budget Reconciliation Bill (which are very similar to S. 596, The Family Preservation and Child

Protection Reform Act). These provisions provide family preservation and respite care services for adoptive families, an increased match for training adoptive parents, and continued assistance to children with special needs who experience dissolved adoptions. I ask you to urge your Senate colleagues who are budget conferees to include these provisions in the final House-Senate Budget agreement.

You asked me to comment specifically on your proposed legislation to reaffirm current Federal law protections against discriminatory barriers to the adoption of Black and other minority children. I too am concerned about the over-representation of Black children in the foster care system, and the delays in placing them with adoptive families. Your bill will help to ensure that race is not used inappropriately to delay placement decisions for children.

The Children's Defense Fund believes that it is normally in the best interest of children to place them with appropriate families of the same race, culture and national origin, and that significantly increased efforts must be undertaken to do so. However, we also believe that the unavailability of a same race family should not bar the placement of a child with a permanent adoptive family. Your bill reaffirms the protections in Title VI of the Civil Rights Act of 1964 which prohibit discrimination and inappropriate racial considerations in adoption proceedings, and provides a basis for action against agencies that bar transracial adoptive placements by using race in an automatic fashion.

I hope that you also will take steps to ensure that current provisions in Federal law that prevent discrimination against Black and other minority children and families are fully enforced. I encourage you to call upon Secretary Shalala and Attorney General Reno to enforce Title VI so as to prevent the inappropriate use of race in placement decisions, and the denial of access to adoption by minority families.

If we are truly going to decrease the time minority children linger in care without permanent families, however, enhanced advocacy on behalf of Black and other minority children must occur on several fronts simultaneously. In addition to your current proposal, CDF urges you to seek increased Federal support in the following five areas as well.

First, the quest for permanence for children must begin with changes in policy directions and service approaches which protect children by getting help to families early, offering intensive services to families in crisis, reuniting children with their families, and preventing the unnecessary separation of children from their families.

Second, there must be enhanced public education and outreach on behalf of minority children who are waiting for appropriate foster and adoptive families. Experience indicates that minority families do come forward when special recruitment efforts are made. Many minority families, however, are not aware of the need for their services. Imagine, for example, if we could get every Black church in America finding foster and adoptive families for waiting children.

Third, steps must be taken to eliminate fees and screening criteria which often deny access by families of color to the foster care and adoption process. The Federal Government must share what it has learned from successful demonstrations, like Homes for Black Children and others, to promote the adoption of minority children.

Fourth, I believe that increased minority representation and enhanced racial and cultural sensitivity among leadership and staff of adoption agencies also are critical to ensuring appropriate placements for children of color. Historically, many child welfare agencies have not taken necessary steps to respect the racial and ethnic identity of children in their care. Improve training is needed to sensitize staff to racial, cultural and ethnic issues that are important to the care provided to children. The recruitment of Blacks, Latinos and native Americans for board and staff positions also is essential.

Fifth, improved data on the special needs of children in foster care and adoption also are needed, as well as data on effective policies and programs to meet their needs. Data on the race of children and their foster and adoptive parents should be part of the new Federal Adoption and Foster Care Information System currently being developed by the Administration on Children, Youth and Families within the Department of Health and Human Services. You might also ask the General Accounting Office to conduct a study of State policies regarding the placement of children in foster and adoptive homes and to determine how race is used as a factor in such placements.

I admire your long history of support for civil rights and your persistent leadership on behalf of waiting minority children. CDF looks forward to working with you on many fronts to ensure stable, loving families for all children.

Sincerely yours,

MARIAN WRIGHT EDELMAN  
*President*



Senator METZENBAUM. Mr. Chairman, you have my deepest thanks for providing a forum to discuss this timely issue. I will tell you that I have a number of items on my agenda before I leave this body, but none has a higher priority than this. I feel strongly that the child who needs adoptive parents doesn't have any spokespersons, enough spokespersons, for him or her. We can be that spokesperson. If there are adoptive parents who are of the same race, I have no problem providing a preference. But when there is not, to take that child, as we have seen in some of the national TV programs, and put him in a foster parents' home of the same color—you will remember so well in the "60 Minutes" episode, where the child wound up being battered to death—it is just unbelievable, incredible. And we can do something about it.

I hope, Mr. Chairman, we can move this legislation.

Senator DODD. Well, having worked with him over the years, when Howard Metzenbaum tells you that he is going to do something, you'd better put some good money on that because you are going to get a return on your investment.

And I will work with you on it. I will say to people here that I am responsible in this subcommittee for special needs adoptions, and we put up some money every couple of years to support it. I have never yet had a dissenting voice or vote on the floor of the U.S. Senate—in fact, we do it on the consent calendar. And yet this is not the case with so many related issues, when adoption comes up. Family and medical leave was a good example, because one of the circumstances where we allow for family and medical leave is for adoption placement. Some States require very lengthy periods where one or the other adopting parent must be available full-time for a bonding period, and yet they are unable to get leave, even unpaid leave, from a job for the purpose of adoption.

So I found it somewhat ironic that everyone, at least superficially, supports the notion of nurturing, permanent homes for children, and yet, when you come down to specifics, we find that it begins to break down.

But I am confident that we will be able to achieve some success with your legislative idea.

I am going to introduce our first two witnesses, and I am going to announce to our other witnesses here that the Reverend Jackson beat both Senator Metzenbaum and Senator Dodd to the hearing. He was waiting here for us this morning when we arrived. So we are going to hear from our first two witnesses, which I think he will appreciate hearing as well as us, who have brief statements, and then we are going to jump ahead and ask Reverend Jackson to appear before the committee, and then we'll move to our panels.

Our first witness is Shane Salter, who works at the Children's Hospital in Washington, where he is an interim director of nursing support services. Shane will talk about his own experiences growing up in foster care with no permanent home. As an adult, Shane has become an adopting parent and is an active advocate for adoption. We are deeply appreciative of your presence here this morning.

Joining Shane is Lynn Gabbard, who I am proud to say is from my State of Connecticut. Lynn and her husband have adopted seven special needs children over the last 18 years, now ranging in

age from 2 to 19. This couple is active in statewide adoptive support and advocacy groups. In addition, Lynn is an adoption caseworker for a private child placement agency in Connecticut, where she has responsibility for the placement of special needs children. We are deeply appreciative that you have given so much to this cause, and I am very proud to be your Senator and am honored that you have come down today.

We'd be happy to accept your statements, and Shane, we'll hear from you first.

**STATEMENTS OF SHANE SALTER, ADOPTING PARENT AND FORMER FOSTER CARE CHILD, CHILDREN'S HOSPITAL, WASHINGTON, DC, AND LYNN GABBARD, ADOPTING PARENT, NORTH HAVEN, CT**

Mr. SALTER. First of all, you can't begin to imagine what an honor it is to be here before two distinguished Senators this morning.

I'd like to begin by letting you know that my mother was 15 years old when I was born and 18 when she gave birth to my brother Keith. When I was about 4 years old, Keith and I were abandoned by my mother and left in a basement apartment alone. When the police discovered our situation, we were placed in an emergency foster home for approximately 1 year, after which we were moved and placed in another foster home where we remained for over 7 years.

Although my mother was unable to recover from her addictions, she was unwilling to relinquish her rights as a parent. However, courts concerned with parental rights allow parents who abandon their children to leave them in a system supported by tax dollars indefinitely while they make marginal attempts to demonstrate an interest in regaining custody. Consequently, many children like my brother and me live in uncertainty for most of their childhood.

Foster care is supposed to be and should only be temporary. So can you imagine what it feels like to grow up without a permanent home? Let me tell you first-hand—it destroys your self-esteem and creates another painful obstacle for little ones to overcome.

Well, after 7 years in our foster home, the courts finally decided to terminate my mother's rights and release my brother and me for adoption. At this time, I was 11 years old, and Keith was about 7. We had to be classified as "hard to place," because we were two older black boys, and most people who are interested in adopting prefer very young children. Therefore, an aggressive effort to find a permanent home for us was launched.

In other words, while my mom was struggling for years with the hope of succeeding at rehabilitation, her children were getting older and older, and fewer people wanted them. With each year, our chances of getting a permanent home decreased significantly. A family was eventually found, but because of our ages and the difficulty of adjusting to a new family when you are older, this adoption was met with problems that resulted in a traumatic disruption for Keith and me. We were left in the lobby of the foster care agency, abandoned again, while the family sped off in their car to resume their lives.



Support services were not available to this family once they received us, and consequently problems that I believe could have been resolved escalated to a point of no return.

Before my childhood was complete, I lived in a total of nine different foster, adoptive and group homes. I don't think this would have happened if the courts had terminated parental rights of my parents within one or 2 years after I was removed. It is a miracle, Senators, that I am able to speak before this distinguished body as a functioning adult. The system that was supposed to protect me when my parents could not, did not.

This does not have to keep happening to innocent children if we enact the following. Foster children who are dependent on adults, especially legislative adults, to act on their behalf may be given a fair shot at a permanent home within the second year of foster care. Whether that permanent home becomes an alternative relative or an adoptive home, they deserve the security of a loving, permanent home.

The rights of parents should not come before the rights of children who have no control over their destinies. It is this warped concept that increases the probability of next generation dependence on child welfare systems and creates barriers to adoption.

Second, when families adopt children, they must have access to federally funded support services such as respite care to assist in keeping the family together. Adopted children need access to support groups with other adopted children.

For example, I wish I could have sent my adopted son to a therapeutic camp this summer where he could have his unique emotional issues addressed while my wife and I recuperate and prepare for the upcoming school year and the challenges we will again face.

Adoption is a lifelong adjustment both for the adoptee and the adopting family. Therefore, therapeutic services should be available to these special families throughout the duration of these relationships.

Many more families would consider adoption of children who are "hard to place" if we allocated funds for subsidies that reflect the true cost of raising an additional child and hold each local jurisdiction accountable for providing them to families. This is not the standard today and must change if we are committed to placing children in permanent homes.

Last, but certainly not of least importance, social service workers must be trained and be familiar with the culture of the children that they wish to place. Only then will recruitment efforts succeed.

I thank you for the opportunity to share my experiences and thoughts with you. It is my hope that the countless number of children who are currently living the life that I escaped won't be destroyed by the system that was designed to protect them.

Thank you.

Senator DODD. Excellent, excellent testimony, Shane. I'll have some questions for you in a minute, but first we'll hear from Lynn.

Senator DODD. Lynn.

Ms. GABBARD. Good morning, and thank you for the opportunity to speak here today.

In thinking about the barriers that we personally have faced in the adoptions of our children, I think of the many factors that mag-

nify the physical and emotional injuries to children that actually result in their special needs.

Our oldest son, now 17 years old, was born to a 13-year-old mother who, despite her young age, evident emotional instability, and clear ambivalence toward parenting, was encouraged to take her baby home from the hospital and assume the many responsibilities of parenthood. A birth defect that necessitated a full body cast made the care of her baby an even more difficult task. The extreme neglect and physical abuse that followed, while not to be condoned, could almost be explained when viewed from the perspective of the magnitude of the daily parenting tasks demanded of a 13-year-old child.

Senator METZENBAUM. As. Gabbard, could you slow down just a little?

Senator DODD. Take your time.

Senator METZENBAUM. We'll get the chairman to give you an extra minute, because we want to hear what you're saying.

Senator DODD. She is from Connecticut, so she can talk as long as she wants.

Ms. GABBARD. Oh, great, okay. Then I'll go slowly. [Laughter.]

The neglectful and abusive treatment of our son was to continue for nearly 2 years, interspersed with hospitalizations and foster placements, until the decision was made to terminate parental rights and let both of these children, mother and child, move on toward safer and more productive lives.

Another of our children, our daughter, now 11 years old, was born both heroin and methadone addicted, a victim of fetal alcohol syndrome, a 2.5-pound baby born at the bottom of a staircase following a domestic dispute. This child, medically and intellectually fragile since birth, endured the disruption of 17 foster placements during the first 3 years of her life, and severe physical and sexual abuse in the care of a mother struggling with substance abuse, family problems, and her own intellectual and emotional limitations in addition to her child's. These factors add severe and permanent emotional injuries to the burden of handicapping conditions which our daughter must struggle with daily.

Our youngest child, our baby's, permanency has been successfully impeded for several years by an incarcerated parent whose parental rates are protected despite a sentence of 75 years' imprisonment for an extremely violent crime. This man, who has lost the right to vote, has not lost the right to further disrupt his child's life.

Our laws and certainly our practice continue to place young children in continued jeopardy and ultimately cause long-term, often permanent, damage. Our son and countless other like him is plagued by a devastating inability to trust that pervades every aspect of his life. His self-esteem and self-confidence are severely undermined, and impairments in such areas as cause-and-effect thinking make it impossible for him to generalize from one situation to another, to learn from his mistakes, to grow and develop in meaningful ways.

His relationships and interactions with others are impacted by his anger and mistrust, and he struggles in so many aspects of day-to-day life that come so easily to the rest of us.



Our daughter's emotional injuries appear to be even more profound. While the physical effects of the drugs and alcohol are difficult, they are correctable on some level, and she has undergone frequent surgical and medical treatment. The neurological, intellectual and emotional deficits are far more extreme. Intellectual retardation is a daily struggle. Seventeen foster placements and numerous other disruptions appear to have permanently impaired her ability to form intimate, meaningful relationships. At best, her relationships are superficial, and she is virtually unable to relate to others in anything other than a self-focused way.

Our children and the growing population of children for whom we seek adoptive placement are dramatically and permanently affected by the significant traumas of their young lives. These traumas are becoming more far-reaching and more extreme as the years go on. A national call for standards of child care in each State may be a way to address such issues as how long substance-abusing parents can be allowed to place their children's immediate safety and future development at risk while they struggle to solve sometimes insurmountable problems.

Should we continue to allow drug-addicted mothers to leave the hospital with their drug-addicted babies? Standards may also want to address minimum age requirements for independent parenting. I believe that my son's life, and perhaps even his mother's, would have been positively affected if a system like this had been in place at the time of his birth.

It was a painful learning experience for us as parents to come to terms with the reality that there are some aspects of our children's development that no amount of love, nurturing and family stability can overcome. Since it is so profoundly difficult for our son to trust, he is absolutely unable to receive and therefore benefit from the positive feelings of others. Family occasions are difficult for him, as is communication and expression of affection. It is extremely painful to watch a child remain on the periphery of a family that wants to desperately to welcome him inside.

We have had to learn, with the help of other families, not only to accept the inconsistent and minimal attempts at connection that he makes, but to validate them for him and to explain them to our other children. Each day we watch him struggle to conform, or to appear to conform, to the world's expectations of how a person needs to act and react. We watch him struggle to control his anger, to hide his mistrust of others, to build relationships that don't threaten and overwhelm him.

Too often, adoptive and foster families are viewed as part of the problem and not part of the solution when mental health issues arise. As it continues to be the expectation, both the love and nurturance of a stable family can overcome all obstacles and repair all damage. We need to encourage schools and other institutions to develop mentally healthy environments capable of accepting children who may never be capable of conformity. We need therapists who understand the dynamics of adoption, pediatricians and other practitioners who will accept Title XIX subsidy for medical care; coaches, teachers, and community members who understand that our children's actions and reactions may be inappropriate. We need

to help adoptive families to continue to emotionally and legally parent children who can no longer live within the family system.

If indeed we believe that children grow better in families, we need to nurture and respect those families. We need to involve them in every aspect of the planning for their children, understanding that they are not perfect and do not need to be, and that they cannot repair the injuries and damages that their children have sustained.

Thank you.

[The prepared statement of Ms. Gabbard follows:]

#### PREPARED STATEMENT OF LYNN G. GABBARD

During the past 18½ years, my husband and I have adopted seven children, now ranging in age from 2 years to 19 years, all of whom were placed from situations somewhat conducive to the development of special needs. We are active participants in, and past Co-Presidents of, a State-wide adoptive parent support and advocacy group and service on many local, State and Federally-focused committees and boards addressing various child advocacy and adoption-related issues. Additionally, I have been employed since 1985 as an Adoption Caseworker for a private child-placing agency in Connecticut where I have primary responsibility for the adoptive placement of special needs children and the provision of appropriate preplacement and postplacement services. It is from this somewhat multi-faceted perspective that I approach the issues of special needs adoption to be discussed by this committee today and attempt to relate my own personal experiences as they apply to the more global problems at hand.

When I reflect upon the "Barriers to Adoption" that we personally have faced with respect to the adoptions of our children, I think primarily of the societal, legislative and bureaucratic factors that magnify and exacerbate the physical and emotional injuries to children that actually result in their "special needs." Our oldest son, now 17 years old, was born to a 13-year-old mother who, despite her extremely young age, evident emotional instability, and clearly verbalized ambivalence toward parenting this child, was encouraged to take her baby home from the hospital and assume the many responsibilities of parenthood. A birth defect that necessitated a full body cast made the care of her baby an even more difficult task for this young mother; the extreme neglect and physical abuse that followed, while not to be condoned, could almost be explained when viewed from the perspective of the propensity of the daily parenting task demanded of a 13-year-old child. The neglectful and abusive treatment of our son was to continue for nearly 2 years, interspersed with brief hospitalizations and foster placements, until the decision was made to terminate parental rights and allow both of these children, mother and child, to move on toward safer and more productive lives.

Still another precipitating factor in the development of children's "special needs" is the problem of substance abuse. Another of our children, a daughter now 11½ years old, was born both heroin and methadone addicted, a victim of Fetal Alcohol Syndrome, a 2½ pound infant born 2 months prematurely at the bottom of a staircase where her mother was thrown following a domestic dispute. This child, medically and intellectually fragile since birth, endured the disruption of 17 foster placements during the first 3 years of her life and severe physical and sexual abuse while in the care of a mother struggling with substance abuse, family problems, and her own intellectual and emotional limitations in addition to her child's; all of these factors add severe and permanent emotional injuries to the burden of handicapping conditions with which our daughter must struggle daily. Extremely frustrated with the lack of a permanency plan for our daughter after several years, my husband and I ultimately met with her birth mother and collaborated our efforts, thereby allowing a mother who sincerely cared for her child, but was unable to provide day-to-day care, to be part of the decision-making for her child's future. She continues to maintain sporadic contact with her daughter and, insofar as the law protects our right to legally parent our child, this is a comfortable arrangement for us and an appropriate one for our daughter.

Our youngest child's permanency has been successfully impeded for several years by an incarcerated parent whose parental rights are protected despite a sentence of 75 years imprisonment for an extremely violent crime. This man who has lost the right to vote has not lost the right to further damage his child.

I realize that many people have come before this committee with many other examples of the victimization of children by laws and systems whose sole intent is to



protect them from such victimization. I recognize that none of this is new to you as legislators and that much hard work and close scrutiny has been focused upon righting the wrongs, closing the gaps, correcting the inequities in our child welfare systems, and in instituting, supporting and funding the services needed to protect children and families. Yet despite all that has been accomplished, despite all of the accessible, sound medical and academic research emphasizing the extreme importance of nurturance, safety and quality care on healthy development, our laws and certainly our practice continue to place young children in continued jeopardy and ultimately cause long term, often permanent damage to their physical, intellectual and emotional development. Children and families continue to endure living conditions so impoverished that minimal health and living standards cannot possibly be maintained. Intervention services are often short-term, inadequately funded, and/or administered and frequently perceived by families to be intrusive, judgmental, and disrespectful of family dynamics and cultural values. Children continue to reside with substance abusing parents for excessively open-ended periods of time while their physical and emotional safety is at serious risk. And our clearly acknowledged problem of safety is at serious risk. And our clearly acknowledged problem of teen pregnancy in this country has been progressively exacerbated by the extreme problems associated with children parenting children. My children would have been better served by a system that recognized a birthparent's inadequacy to provide care on a day-to-day basis while at the same time respecting her need to maintain her status as the biological parent.

Our son—and countless others like him—is plagued by a devastating inability to trust that pervades every aspect of his life. Despite his many successes, his self-esteem and confidence in his own worth and abilities are severely impeded. Impairments in such areas as cause-and-effect thinking make it virtually impossible for him to generalize from one situation to another, to learn from his mistakes, to grow and develop in meaningful ways. His relationships and interactions with others are adversely impacted by his anger and mistrust and he struggles in so many aspects of day-to-day life that come so easily to others.

Our daughter's emotional injuries appear to be even more profound. While the physical effects of the drugs and alcohol and of her prematurity are difficult, they are correctable on some level, and she has undergone frequent surgical and medical procedures over the years. The neurological, intellectual and emotional deficits are far more extreme and far-reaching. Intellectual retardation is a daily struggle. Seventeen foster placements and numerous other disruptions appear to have permanently impaired her ability to form intimate, meaningful attachments to other people; at best, her relationships with others are exceedingly superficial and she is virtually unable to relate to others in anything other than a self-focused, self-absorbed way, lacking the normal give-and-take reciprocity of even an immature human relationship.

Increasing societal problems—and our handling of them—have had profound effects upon adoption in this country. My own children and the growing population of children for whom we seek adoptive placement are dramatically—and permanently—affected by the significant traumas of their young lives. These traumas are becoming more far-reaching and more extreme. We must attempt to facilitate legislation and services that minimize such traumas, an extremely difficult charge given the added responsibility of protecting simultaneously the rights of the adults involved. A national call for standards of child care in each State may be a mechanism by which we can encompass and address such issues as how long substance abusing parents can be allowed to place their children's immediate safety and their future development at risk while they struggle to solve difficult, sometimes insurmountable problems. Should we continue to allow drug addicted mothers to leave the hospital with their drug addicted infants? Standards may also be implemented to address minimum age requirements for "independent parenting," that is, to establish an age at which a person may be expected or allowed to parent without intervention or services; I believe that my son's life—and perhaps even his mother's life—would have been positively affected had this system been in place at the time of his birth. Perhaps individual States need to be encouraged to provide a process by which parents can permanently relinquish day-to-day care of their child to nurturing caretakers while maintaining the opportunity to continue to receive information about their child's well-being. While this is clearly not appropriate in all cases, I know that in Connecticut, families are consistently told that open adoption agreements are not legal and there is no process in place to address flexibility and individuality of planning for children whose birth families feel the need to have some ongoing contact or access to information. Clearly, I do not presume to be qualified to set, or even to recommend, what these national standards or guidelines for quality child

care would be, but I feel confident that there are numbers of competent people in each State that are well able to address these issues.

Many problems are inherent in the day-to-day parenting of children suffering the often permanent effects of emotional and/or physical injury. As I described in telling about my own children, these children often carry with them to their new families a deep seated rage and profound inability to trust that permeates every aspect of their lives and therefore every aspect of their families' lives. Our children's emotional instabilities have made their lives at home, at school and in the community extremely difficult ones. It was a painful learning experience for us as parents to come to terms with the reality that there are some aspects of their personality development and their very beings that no amount of our love, nurturance and family stability can overcome. Since it is so profoundly difficult for our son to trust, he has virtually unable to receive and therefore benefit from the positive feelings of others; family occasions are extremely difficult for him, as is communication and expression of affection, and it is extremely painful, as a parent, to watch a child remain on the periphery of a family that wants so desperately to welcome him inside. We have had to learn, with the invaluable help of other adoptive and foster families, not only to accept the inconsistent and minimal attempts at connection that are so small yet so extremely difficult for him to make, but to validate them for him and to explain and sometimes justify them for our other children. Each day we watch him struggle to conform, or more accurately, to appear to conform, to the world's expectations of how a person needs to act and react; we watch him struggle to maintain his anger, to hide his mistrust of others, to build relationships that are comfortable for him that don't threaten and overwhelm his impaired capacity for understanding human interaction and reciprocity. We watch our daughter struggle with her limited understanding of her own intellectual, physical and emotional deficits. Even more profoundly than her brother, her ability to connect to people in a meaningful way has been devastatingly impaired and her superficiality and complete disregard for the feelings and needs of others meet with understandable rejection from adults and peers alike. Her need to control is closely linked to her instinct to survive and results in extreme forms of manipulative and controlling behaviors that make her extremely difficult to manage at home and at school.

Behavioral issues are with both children on a regular basis and it has been consistently difficult for us and for other families to find resources and services that appropriately address the complexities of our children's trauma, loss, anger and grief. Understandably, conventional therapy often approaches children's difficulties from the vantage point of positive or negative family dynamics, yet in adoptive families of special needs children, the children themselves often have a significantly negative effect on family interactions. Many more therapists are needed who are familiar with the complex issues particular to our children's special needs. Also, adoptive and foster families are consistently viewed as part of the problem, not part of the solution, when behavioral or mental health issues arise, as it continues to be society's expectation that the love and nurturance of a stable family can overcome all obstacles and repair all of the damages of the past, no matter how devastating they may have been. Schools and other institutions, though well-intentioned, continue to set standards of conformity that for my children—and for many emotionally injured children—are virtually unattainable, causing further rejection for children who expect nothing else; families then find themselves in the position of advocating, not only for their children but, in essence, for their own right to be parents and responsible decision-makers.

To summarize, adoptive families need to be encouraged to take risks, to love and to nurture children without assuming the responsibility of "fixing" them. If indeed we believe that children grow better in families, we need to nurture and respect those families, understanding that they are not perfect and do not need to be, that they cannot repair the injuries and damages that their children have sustained. We need to encourage school systems and other institutions to develop mentally healthy environments, capable of accepting children who may never be capable of conformity. We need therapists who understand the dynamics of adoption, pediatricians, dentists and other practitioners who will accept Title XIX adoption subsidy for medical care, coaches, teachers and community members who understand that our children's actions and reactions may be inappropriate at times. We need to help adoptive families to continue to emotionally and legally parent children who can no longer live within the family system or who require residential treatment.

In the meantime, we are and will continue to be families—like all families, we are strong in some areas and weak in others—we love our children and we do the very best that we can.



Senator DODD. Thank you very much, Lynn. That was excellent testimony, very well-spoken and very well-said. Let me just raise a couple of questions.

Shane, how is your brother Keith doing, by the way?

Mr. SALTER. He is doing much better now. Keith had a much more difficult time adjusting. He was eventually adopted. Keith has been incarcerated. He is out of the penal system now and is in college, trying to work on a nursing degree.

Senator DODD. Terrific. I am glad to hear that.

You do not refer to it in your testimony except very briefly, and I mentioned it in introducing you, but I think it is truly a tremendous tribute to you that having been through what you have, it would not be surprising if you wanted to be about as far away from the whole process of adoption and foster care as you could possibly get. And yet, contrary to all those instincts that other people might have had, you reached right back and became an adoptive parent yourself, and you referred to the difficulties with the child that you have adopted.

I wonder if you might share with us what you have seen change. You mentioned some very good suggestions on how we can improve, but have things improved in the last number of years? Are there aspects of this that we as a society are doing well? Where else would you like to see improvements made, short of requiring more legislation?

Mr. SALTER. Senator Dodd, I think there have been some improvements made, but I don't think they have been rapid enough when you think about the life of a child and how each day, each month contributes almost 50 percent of their lifetime.

I have seen some improvements, but not enough. Unfortunately, we adopted my son when he was 7, and it was ironic that as much as I would have had my choice of adoption, I don't think I would have adopted a child that was exactly like I was coming through the system—but the parallels of his plight were incredibly similar to mine. He was in foster care since 1 month old, and that is totally unacceptable. He was moved in the first year of his life, which created separation anxiety for him, and he had to go into a therapeutic nursery as a little boy.

So I have not seen enough change. Even in my current household, I am reminded every day of how much has not changed. So that is hard; it is hard for me to swallow that.

Part of the reason why I am as involved as I am is because I feel that it takes sometimes someone who has lived it, who is continuously living it, to make people aware of how serious this is and how much and how rapidly we have to move to correct these problems. As you cited in the numbers earlier, we are turning out a whole generation of children that this is going to be devastating for if we don't correct this and try to give these children permanency very early in their lives.

Senator DODD. Let me ask you and Lynn to comment on this as well. Our colleague Senator Moynihan has spent a good part of his entire adult life dealing with family-related issues. I don't remember whether it was in a speech or whatever, but he talked about reaching a State of frustration, and saying maybe we ought to get back to orphanages—with all the conjuring up of what orphanages

mean, for lack of a better word—and talk about institutional settings rather than some of the settings that we are placing children in that can be tremendously harmful.

What do you feel about that—and I hope I am being fair to Senator Moynihan in paraphrasing, but I think in frustration he talked about that as an option, considering some of the circumstances that children are living in.

Mr. SALTER. I lived in group homes, and I lived in a place called Hillside Children's Center in Rochester, NY for a couple weeks while we were trying to find another place for me, so I am familiar with those experiences as well. And I absolutely disagree with the thought of returning to orphanages.

One of the most significant reasons that we should always keep in the front of our minds why they are not effective is that children then don't learn how to parent; they don't see real parenting relationships. And if you are going to actually prevent them from duplicating exactly what has happened to them, they need to see successful parenting in place, or the average traditional home, with its failures and successes. And you don't get that from shift employees who come in for 8 hours and are relieved in another 8 hours. That's just not the type of environment that I think is best for children who have already had fragmented relationships.

Senator DODD. Lynn, do you want to comment on that?

Ms. GABBARD. I agree with Shane. I have not had first-hand experience with orphanages, but I do have children who were raised in orphanages in other countries, and I agree; I don't think that that is the direction we want to go in.

I also think that as a society, orphanages or any other kind of child care is really what we make it. In some countries, they have success with orphanages because they view their child care differently, and they value their children on such a different level than we do here.

Senator DODD. Let me move to the issue of recruiting because this is going to come up in a number of areas, particularly in the transracial area. How do you go about recruiting parents for special needs children in Connecticut? What special efforts do you make when you have an older child, or a child with a physical disability, what do you do?

Ms. GABBARD. I think recruitment efforts have certainly been made. Certainly, we use the media, press, churches, any kind of group gathering, school group gatherings, anything we can think of that would gather parents or people interested in children together in one place.

Unfortunately, however, unless the people who are doing the recruiting understand the kinds of problems that the children they are recruiting for have, it makes recruitment difficult as well. I think we really need to involve families much more in the recruitment process in terms of real first-hand knowledge. And I also think we have to be much more respectful of the families that we are recruiting and treat them well as we nurture them through the process because it is not an easy process.

Senator DODD. Last, let me ask you about the flexible adoption approach that has been raised by some, where the natural mother stays involved. You take a situation like Shane's mother, where she



was going through rehabilitation. I suspect in those days there probably wasn't a lot available for your mother, and she may have been wrestling with this issue all alone, desperately trying to hold onto her children. Part of me is very sympathetic. I am the author of the "Children of Substance Abusers Act," and other legislation which makes it possible for substance-abusing mothers to be able to stay with their children during the treatment programs, because my feeling is that mothers who are able to hold onto their children do much better during treatment than when they are told, "I am sorry, but you are no longer a worthy parent. We'll catch you later." The success rate of those mothers just falls off the cliff; it just declines dramatically. And that should not come as any great surprise to people.

But I wonder if that flexible adoption has had some appeal for the natural mother, if things begin to work out. Is that realistic?

Ms. GABBARD. I think in my experience it is realistic for many people. It is not appropriate in all cases, but certainly—we have two children who maintain some contact with their biological mothers. And as long as the law protects the right of a set of parents or a parent to be the legal parent, I think in many cases it is much more comfortable for everyone.

I think it is also unrealistic in this day and age to look at anything inflexibly, and particularly in Connecticut, and we tell families consistently that there is no mechanism by which they can have an open adoption. But yet we do need to look at that.

Senator DODD. Senator Metzenbaum?

Senator METZENBAUM. Let me first ask Lynn, you have seven adopted children?

Ms. GABBARD. Yes.

Senator METZENBAUM. You are a saint, an absolute saint. That is unbelievable.

And Shane, I can't say enough to you about what a success you have made out of a very, very difficult beginning, and it pleases me to no end that the two of you are here this morning.

Let me ask you, Shane, did you encounter any difficulties in adopting your own child?

Mr. SALTER. No, I didn't encounter any at all. I often laugh—I think that by the time I decided to adopt, I was actually fairly well-known, so I don't think I ran into some of the barriers that other people might. I don't necessarily agree that as smooth as my process went is the same success rate that other people would have. I was just very persistent, very aggressive, very assertive about what I wanted to see happen and the time frame I wanted it to happen in, and I just held the people who were in the decisionmaking environments accountable for meeting those expectations.

So I came at it from a different perspective. I was of an informed consumer, for lack of better words.

Senator METZENBAUM. Shane, what is your opinion of allowing transracial adoptions with suitable families where no appropriate same race placement is available?

Mr. SALTER. I would have rather, when all efforts were exhausted in attempting to find a permanent home for me, I would have rather had a family than no family at all. It would not have

mattered to me as a child what the race or ethnic origin of that family was.

Coming purely from a child's perspective, I can tell you that a loving family is better than any institutionalized environment can ever be. So my feelings about it are very passionate, that I would rather see children placed in homes. Yes, the first attempt ought to be to try to place children in same race environments, and then when we are not successful at that, we need to be sure that the families that are adopting these children are putting forth a concerted effort to keep that child surrounded by people who can give that child the cultural perspective they may perhaps miss living in that home.

I think that with the mix of the two that you can have a very healthy environment for children.

Senator METZENBAUM. Let me go back to one thing you said. You said that you and your brother were to be adopted by a family, and you were waiting in the lobby of the institution, and the family came and turned their backs and walked away?

Mr. SALTER. That wasn't quite what happened. What happened was that we went through the adoption process, and we were placed in that home, and the family decided after a couple months of having us that we were too difficult and returned us back to the agency; called the agency up and said, "We want these children out of here tomorrow." We packed our bags that night, and the next morning they drove us back to the agency, dropped us off in the lobby, and kept going. We were just left there, waiting for social workers or someone to arrive to take us to our next destiny.

It was a very tall building, so it appeared to be very huge to us at that moment, as we were just left there, my brother and me, with our bags, just waiting to go to our next place.

Senator METZENBAUM. How old were you at that time?

Mr. SALTER. I was 12 years old, and I believe Keith was close to 9. We had to go to a foster home after that, Senator Metzenbaum, and that foster home obviously had to be prepared to deal with the emotional issues that we were bringing to that home because of that rejection.

But prior to that, we had been in a stable foster home where, had proper resources been made available to that family, I think we could have stayed in that environment. Because of court-driven time frames, suddenly now it was an emergency, we were getting older, everyone was concerned that we weren't going to find a home, and the foster family that we were originally with had just asked for some time so that they could get their lives in order to prepare to make a decision, and the agency, which was driven by court time frames, couldn't give them the time that they needed, so they launched that effort to find another home for us, which did not work. And the family that we were originally with was not willing to take us back at that point because their lives had been disrupted so, and they could not bear the emotional turmoil again.

Senator METZENBAUM. Did you have any feeling as a child as to whether it mattered to you if the adopting parents were white or black?

Mr. SALTER. As a child, I didn't even think about it. It really, honestly, was just not—I was so concerned, I think probably more



so than others, but so concerned. I wanted my own parents. I wanted a mom and a dad. And I am still to this day very angry because I don't have a mom and a dad. And it is probably the driving force behind most of my life with my children. I wanted a mom and dad, and I didn't care who they were. I just wanted parents. I wanted someplace that was safe and loving for me, and it never happened.

Senator METZENBAUM. Lynn, do you have any opinion on the question of allowing transracial adoptions where no appropriate same race placement is available?

Ms. GABBARD. Yes. Many of my children are adopted transracially, so I do feel strongly as Shane does, that children do need families, that that is what they need. And obviously, I think most people involved in adoption agree that same race placement is preferable and that we need to do more to try to achieve that, but we certainly should not be leaving children to wait for their whole lives while we look for that home.

Senator METZENBAUM. Thank you very much. You have been very impressive witnesses.

Senator DODD. Thank you.

As you were talking, Shane, about being left in the lobby, I mentioned earlier my father's sister, my Aunt Mary, adopted two older children, and my cousin Ray, who has his own family today. I remember Ray first coming to visit us, and we were very excited because we had new cousins coming, and they were adopted and older. And I remember Ray would not take off his coat in the house. It was that sense that nothing was going to be permanent, and he just wasn't going to take off that overcoat no matter how hot it was in the house. He just assumed he was moving on as an older kid. I remember that as a kid—watching these new cousins arrive and trying to make them feel at home.

Thank you both immensely, and you are certainly welcome to stay for the rest of the hearing. We would like to stay in touch with you on this. You are obviously two people who have a tremendous amount to offer us as we consider various ideas and proposals. So again, our appreciation for your being here.

Ms. GABBARD. Thank you.

Mr. SALTER. Thank you.

Senator DODD. Our next witness, as I have announced already, was here ahead of the Senators and staff, up early this morning, obviously, and about his business. We welcome the Reverend Jesse Jackson, a person who does not need an introduction anywhere in this country or almost anywhere in the world.

He has cared about this issue, by the way, for a long time—the interests of children generally, obviously the interests of minority children specifically, but beyond that, all children.

Reverend Jackson, we are honored that you are here. It is good to have a friend in front of the committee. We are pleased to receive your testimony and any additional information you think may be worthwhile for the committee to have.

**STATEMENT OF THE REVEREND JESSE JACKSON, RAINBOW  
COALITION, WASHINGTON, DC**

Reverend JACKSON. Thank you very much, Senators Dodd and Metzenbaum.

Before I begin, I would like to thank on this occasion Senator Metzenbaum, who has made all of us feel a bit like abandoned children with his leaving the Senate. We feel a little less protected and a little less secure because of the quality of leadership he has brought to this Senate and to this country and to this world. And Senator Metzenbaum, we thank you very much for the way in which you have performed as a public servant, uncorrupted by the perks and diversion of political power, and for remaining a caring and sensitive person.

Your assistance to me in my work with the Rainbow Commission on Fairness in Athletics has been invaluable. I think all of you will agree that there is really no greater civil libertarian in the U.S. Senate today than Senator Metzenbaum. If I were in my church, I would make everybody say "Amen." [Laughter.]

Senator DODD. I think you are in your church.

Reverend JACKSON. Everybody give him a hand. [Applause.]

It is an honor to be here today to speak before you, Senator Dodd and this subcommittee on this important subject—our children. The issue of transracial adoption has always been a topic of great controversy and never fails to provoke intense debate—oftentimes, there is more heat than light—debate which is heartfelt and thrusts to the very core of what we are, where we came from, and where we will go in the future.

It is a debate for which one answer, one "right" answer, satisfying all participants will not be easily found. There are no absolutes. It is not "absolutely" correct to place a child of one race with parents of another. But I suggest that it is sometimes the right and only thing to do.

Certainly, it is preferable for a child to be placed with a loving family of his or her own national, religious and racial origin for purposes of foster care or adoption. It is with such a caring family that the child will find answers to the myriad questions he or she will have about themselves and about society. It is that same family which can best provide instruction in what it means to live in a nation which still, 25 years after the death of Dr. Martin Luther King, Jr., seems bent on racism and sexism and antisemitism and anti-Arabism and Asian bashing and homophobia and self-destruction.

Unfortunately, due to the harsh reality of life in our Nation today, more and more children are finding themselves in need of temporary and permanent homes, a generation of 13-year-old mothers and 27-year-old grandmothers.

The number of kids in the foster care system has grown from 276,000 in 1986 to 450,000 in 1992 and over 500,000 in 1993. The economic situation in our country is depressing beyond words, hurting everyone from welfare recipients to virtually all who are self-supporting and living from paycheck to paycheck.

The AIDS epidemic has destroyed and killed good people—people who love their children but can no longer care for them. Drug dependency is at a level comparable to that of the late 1960's and early 1970's. We live in a country where 14- and 15-year-old babies, wearing pagers and carrying stacks of bills, are acting as enforcers for drug crews, instead of worrying how they are going to get to the local swimming pool on a hot summer afternoon. In Washing-



ton, DC, many of their younger siblings cannot go to a public pool for fear of being shot.

A sense of permanence and the right to be loved unconditionally are essential to the mental well-being of any human being regardless of the color of his or her skin or country of origin. The knowledge that no matter what mistake you have made or negative action you have undertaken, that you will always be entitled to the free-flowing love of your parents is our first lesson in self-acceptance. Parent or parents also teach us the values and give us the discipline which show us the difference between right and wrong. They teach these lessons not in the name of punishment or rejection, but in the context of love and redemption and spiritual regeneration and certain basic, ethical assumptions.

Far too many of our babies, our youngsters and our adolescents have not been privileged to learn these lessons. They have not felt this primal joy, this freedom from fear of rejection by those who are supposed to accept them without question.

How does this lack of love affect our children? What does the future hold for a child whose parents have decided he or she is disposable? Rare is the child who can fully recover from such rejection.

So often, great leaders are really living out the love embedded in them in their childhood, whether Jesus with Mary and Joseph, or Dr. Martin Luther King, Jr., with two parents; so often, great leaders are living out their hope and their love and spreading it as opposed to living out their fears, their hatreds and their insecurities.

Senator Metzenbaum has introduced legislation, the "Multi-Ethnic Placement Act of 1993," which will serve as a tool to eliminate race, national origin or color from being the only consideration in making foster care and adoptive placements. The Act is basically a reaffirmation of the Title VI ban on and remedies for discrimination. Transracial adoption, like intermarriage, must be protected by law and must be open as an option for everyone. Senators, I urge you to all support your colleague from Ohio and actively seek to see this Act become law.

Because of the difficulties inherent in raising children, I think the majority of us feel that same race and color foster parenting and adoption must be the first choice. But if this type of placement is not possible or if transracial bonding has occurred, I believe that exceptions should be made. No child should ever be abandoned. There must be a firm commitment on the part of the adoptive or foster family to make sure there is no further loss of racial or ethnic identity. The prospective parent or parents must be capable of and willing to love them, for what they are, not for what they promise to be, in an environment free of constant fear and threat. An extra amount of effort must be exerted by the entire family throughout the relationship to see to it that the child or children's sense of self is heightened and maintained. With adoption, this is a lifelong task.

It is also my feeling that a concentrated effort should be waged within the African American, Asian and Hispanic communities to educate potential parents about the children needing homes and security, mental, physical and spiritual—not just a place to sleep.

“Informal” adoption has always been common in these families. Rare is the family that has not seen one of its members raised by a grandmother or an aunt. I truly believe that with the passing into law of Senator Metzenbaum’s Act, along with the re-education of social workers, adoption professionals and our own people, we will see far less warehousing and institutionalizing of children.

The barriers to adoption in general, and adoption by persons of color in particular, often seem insurmountable. Something is amiss when black, Hispanic, Asian and other parents are willing to adopt, to open their arms and homes to abandoned children and, because of a bureaucracy so caught up in ridiculous and unrealistic standards and statistics for qualification, they cannot. This has got to change. We as a society must see this through to the end.

I recently received correspondence from qualified African American constituents offering their services as foster parents, who claim they have been told by the department of social services in their city that there are no blacks providing foster care. Justifiably, they are frustrated and angry.

Here is a quote from one of their letters: “The struggle is not over. In the beginning, we had to fight for the right to vote, we had to fight for the right to read a book, we had to fight for the right to drink out of a public water fountain, we had to fight for the right to eat at a public restaurant, we had to fight for the right to use a public restroom, we had to fight for the right to walk through the front door, and now we must fight for the right to take care of our own black children.” Where is the justice?

We simply cannot afford to waste any of our human resources. The utilization of all the talents, skills and gifts we, as human beings and as God’s creatures, have to offer is our only hope for salvation, our only hope for a better world, a world free of the pain and suffering which now seems sanctioned by the powers that be.

We are very sensitive, Senator Metzenbaum, and Senators Dodd and Wellstone, to the significance of transracial adoption as a last resort. We do not underestimate the impact of racism in the bureaucracy, making it difficult for black communities to adopt black children, or for Hispanic families to adopt Hispanic children, putting on those communities the stigma that somehow they do not love their children.

White colleges often admit black students, not for commitment to graduate them, but for funding, or to use them to stimulate their public relations image and to be trained athletes who entertain them, but never graduate. I would rather my child go to one of those schools than no school. But there is something about an authentic commitment and an environment that gives that child both nature and environment upon which to find nutrition. North Carolina State has not graduated one basketball player since 1985.

I want to accept and support the proposition of transracial adoption as a last resort, but our youth must be adopted and not co-opted in that process. Black colleges do a better job of educating black children when they have the resources to do so. That is no statement against multicultural institutions. The fundamental fact is that majority experiences tend to breed leadership and courage and inner security. So we support this proposition. But just as the



Bible suggests man cannot live by bread alone, children cannot live by a nice, warm room, house, bed and food alone.

My point is to make very certain that these black adoption agencies have the priority funding that they need and that these black parents have the resource base that they need to in fact assume this burden. Our society would be less inclined, as you will hear later today, of in fact having masses of white children adopted by black or Hispanic parents. So we must make certain this game is played by one set of rules.

Thank you very much.

Senator DODD. Thank you very much, Reverend Jackson. I recall, by the way—I don't know how many years ago it was—but your television program where the subject of an entire program was adoption. That was 2, 3, 4 years ago, and it was a compelling program where you had a broad spectrum of the community represented as they discussed the various issues involved.

We have been joined by Senator Wellstone. Paul, do you have any comments you'd like to make?

Senator WELLSTONE. Thank you, Mr. Chairman. Let's just go forward with Reverend Jackson.

Senator DODD. Reverend Jackson is due at another meeting at the White House shortly, so——

Reverend JACKSON. Say that again, Senator, and make me feel important, Senator. [Laughter.]

Senator DODD. I will. In fact, the White House has stopped all activities, waiting for you to come down there.

Senator WELLSTONE. Well, Mr. Chairman, if the White House has stopped all activities, then I don't have any statement to make at all. [Laughter.]

Senator DODD. Senator Metzenbaum.

Senator METZENBAUM. Reverend Jackson, first let me thank you for your personal comments, for which I am very grateful. You and I have worked together on many things over a period of many years, and it has always been very mutually agreeable. I remember many instances where we met in Cleveland, many cases when we were fighting for the same issues and same concerns, and in some instances even against the same individuals.

Let me just ask you one question. Many people, when they hear the term, "transracial adoption," only think of white people adopting black children. Isn't it a fact that transracial placements include blacks and Hispanics, fostering and adopting children from other racial and ethnic groups as well?

Reverend JACKSON. Of course that's true. And you do recall that Ghandi adopted a child of another race, in part to purify himself, to make certain he was not guilty of racism. He adopted an "untouchable." In that sense, it was, if not transracial, certainly it was transcultural to that extent.

So when the love is provided, and when there is a commitment to make certain these children can go to a church, or be part of historical growth, it can really work. Again, so often, these schools—which is at another level—they will accept our youth, and of course, get the money from their admission, but upon admission will not have multicultural programs of education.

So if you go into the transracial adoption, you must make certain there is commitment to multicultural education, because that is a part of the process. Let's say that child grows up just having had the food and the room and that level of material security, and gets the impression that he or she has been cut off or isolated from his or her culture, the totality of their being. They will grow up to rebel.

I have a particular sensitivity to this matter in that in my case is not as dramatic as the last witness, but "Jesse Jackson" is my third name. I am adopted. I was born to a teenage mother and could only have my grandmother's name until I was 12, and then I received "Jesse Jackson." So I am aware of all the suggestions that go with that, beyond the immediate family, even though I was always in the home, with a loving mother, and adopted by a very loving father at age one. Even when there is not much of a connection, and even when that gap is closed, even at that age, there is forever the environment that keeps one in the cloud of suggestions. So, when parents make this transracial move, they must make sure it is not just a matter of relieving one of a burden, but in fact picking up a responsibility. And I would certainly hope we would urge that the first priority on this would be to fund anew those agencies and those parents of that same ethnic/religious origin—it is a much smoother transition—and, when possible, try to help revive and rebuild the original parent, because sometimes there is not enough effort in trying to recapture or rehabilitate the original mother, who may have lost the child because of unfortunate circumstances.

Senator METZENBAUM. Thank you very much.

Thank you, Mr. Chairman.

Senator DODD. Thank you, Reverend Jackson. We appreciate your being here. As always, you are willing to share your thoughts and views with us, and we are grateful to you. Tell the President we said hello.

Reverend JACKSON. Thank you.

Senator DODD. Our next panel will address the needs of adoptive families.

We are joined this morning by our colleague, Senator Levin, who had asked to be able to come by this morning and present a couple of our witnesses who are from his home State. And I would point out that this is not just a colleague of ours fulfilling a constituent responsibility. I have had the privilege of working with Carl on legislation involving adoption, going back to his efforts to make it possible for adopted children and their biological parents, where both want to reestablish ties, to be allowed to do so. Senator Levin's involvement in these questions goes back a number of years. So beyond just the presence of a couple of witnesses from his home State, this is a colleague who has been deeply interested in the subject of adoption for many years.

And of course, coming from Michigan—I have already talked about the DeBoer case briefly—I know our colleague from Michigan has some interest in that as well.

So Carl, we appreciate your presence here today.

We welcome Drenda Lakin, from Detroit, MI, who is the director of the National Resource Center for Special Needs Adoptions, and Sydney Duncan, who is the director of Homes for Black Children



in Detroit. They are both constituents of yours, and I'll ask you to introduce them for us.

Senator Levin. Thank you very much, Mr. Chairman. I would like to briefly introduce two of your four panelists because they are from Michigan.

First, let me thank you and the other members of this subcommittee for what you are doing in this area.

Drenda Lakin is director of the National Resource Center for Special Needs Adoptions, based in Detroit. Sydney Duncan is the director of Homes for Black Children, also based in Detroit. They both have been working diligently and passionately for the well-being of parentless children of this Nation.

From its inception in 1985, under Ms. Lakin's leadership, the National Resource Center for Special Needs Adoptions has been in the forefront of the special needs adoption movement. The center has provided training, technical assistance and consultation on permanency, planning and adoption to every State in the Nation. They have developed and distributed nationwide their special needs adoption curriculum, and that has been so important in trying to accomplish special needs adoptions across the land.

Homes for Black Children was created in 1969 under the directorship of Ms. Sydney Duncan and has also made a significant contribution. As a matter of fact, in its first year of existence, the agency placed more African American children in adoptive homes than all of the other 13 existing agencies in the State of Michigan combined.

Again, I want to commend you, Mr. Chairman, and the other members of the subcommittee for your work. As you mentioned, I have had a long interest in this subject. In fact, early in my years here, in 1979, we were able to get passed an amendment by about a 2-to-1 vote in the Senate, language which reduced the disincentives to adoption that were so inherent in the Federal foster care programs.

We did that by providing for Medicaid coverage to special needs adopted children with or without preexisting disabilities. Our language provided adoption subsidy coverage for all SSI special needs children, and we deleted the mandatory adoption subsidy means test on adoptive families. According to HHS, we not only increased thereby the number of adoptions of special needs children and institutionalized children, but we also saved a lot of money by getting them out of foster care.

Additionally, Mr. Chairman, in 1981, we were able to get an amendment passed which provided a tax deduction of up to \$1,500 for the expenses incurred in the adoption of special needs children or hard-to-place children. That was removed in 1986 as part of tax reform, and we are trying to reinstitute that deduction again.

I look forward to working with you, Mr. Chairman and other members of this subcommittee. You have had the ongoing not only responsibility, but opportunity, to make the contribution that you and others have toward the adoption of special needs children, and I commend you on those efforts throughout the years.

Again, I am pleased to be here to introduce two of the four panelists that you will now be hearing from.

Senator DODD. Thank you very much, Carl. We are deeply grateful to you for remaining so active and so interested in the subject matter.

We'll invite the two witnesses from Michigan to come up and join us at the witness table.

Carl, you are more than welcome to stay with us. I know you are busy and probably have other committee assignments to attend—in fact, I think you have a mark-up in an area we have a passing interest in in Connecticut.

We thank both of our witnesses from Michigan for joining us, and we also welcome the other two people who will be appearing as well.

Rose Zeltser is the administrator for adoption operations and support for the State's youth and family services from the State of New Jersey. I am eager to hear how New Jersey has developed a comprehensive program for adoption of children with special needs. It is especially important to hear, obviously, from public child welfare agency personnel. So we thank you, Rose, for joining us.

Patrick O'Brien is director of the New York region of Downey Side, an organization that works to prevent homelessness by finding adoptive families for foster children. Downey Side also has an office in Hartford, CT. In addition to his position at Downey Side, Mr. O'Brien also chairs New York's Adoption Action Network. So Patrick, we thank you for joining us this morning as well.

I am going to turn the timer and run it for about 5 minutes, and when you see the red light go on, I'd like you to try to wrap up, if you can. You don't have to live by this thing, but it is a signal for everybody to try and be brief so we can get to the questions and answers and exchange of ideas. All of your complete statements and any supporting material you think the committee ought to have—not just limited to what you have brought with you today—but if you think of some additional information that would help us to appreciate your testimony, we'll make that all part of the record.

Again, our thanks to you for joining us today to talk about this subject matter. Drenda, we'll begin with you.

**STATEMENTS OF DRENDA LAKIN, DIRECTOR, NATIONAL RESOURCE CENTER FOR SPECIAL NEEDS ADOPTIONS, DETROIT, MI; ROSE ZELTSEER, REGIONAL ADMINISTRATOR FOR ADOPTION OPERATIONS AND SUPPORT, STATE OF NEW JERSEY; PATRICK O'BRIEN, DIRECTOR, NEW YORK REGION, DOWNEY SIDE, INC.; AND SYDNEY DUNCAN, DIRECTOR, HOMES FOR BLACK CHILDREN, DETROIT, MI**

Ms. LAKIN. Thank you, Senators, for inviting someone from the National Resource Center and Spaulding for Children to be present and give testimony here.

I want to emphasize all the remarks that you made, Senator Dodd, about the rising numbers of children coming into care. And as we talk about them and their needs, unfortunately, we don't have accurate data. There has been legislation passed, and we need to see that implemented, for a national foster care and adoption data collection system. But in addition we need information that is useful to workers at the local level, to family groups and others who are interested and concerned.



So I will just mention that briefly, that we need to implement our national foster care and adoption data collection system.

As I talk, I also want to mention five other areas—the delays in planning adoption; the lack of cultural competence in the delivery of child welfare services; the lack of staff training; the lack of adequate funding and support for recruitment, preparation and support for families who adopt; and the lack of post legal adoption services.

I am pleased to see that we have a representative here today testifying from a public agency, and in fact, New Jersey is one of two States that we know have really fully implemented post legal adoption services in their States.

In terms of the delay of children awaiting adoption, the Inspector General's report indicates that children may wait from 2½ to 3½ years before adoption is even identified as a plan. We know then, that once children have a plan for adoption identified that it may take another 2 years before they are free for adoption and available to be placed for adoption. So that is of grave concern to us.

A lot of the work that is being done in terms of family preservation and really working very closely with families and providing services up front before the children come into care we feel is extremely important. But once a decision has been made to place, we think there needs to be work in terms of looking at is this child ever going to come home. No child should ever have to wait 2½ to 3 years before somebody makes a decision that adoption is going to be the best plan.

Now, I don't mean that diligent work should not be done in returning families. Family preservation services should also be used in working to reunite families. Family preservation services should also be considered for adoptive families who adopt and encounter the difficulties that families do encounter when they have adopted a child who has been abused, neglected, who has been in the number of foster homes that you heard previous testimony on.

So we feel there are several things that can be done in terms of minimizing those delays. One, planning should not be sequential. Parents need to know when their child comes into care that adoption is an option and that their child deserve a permanent, caring family; that the agency will do everything they can to return that child home, but if that cannot happen, the agency will move decisively to find another family for that child.

I think when parents know that, they can then make choices about am I going to really follow through on the service plans, am I going to perhaps consider relinquishing the child for adoption.

I think this needs to be considered as well when we talk about the abandoned infant crisis. We need to get to those mothers before they abandon their children, before they leave the hospital, and offer them an option of adoption and tell them that that is one thing that they can consider. That does not mean that is going to happen. But we seem to have forgotten voluntary relinquishments, and I think we have forgotten them because our IV-E funding doesn't cover the child who may need a brief stay in foster care before moving to an adoptive family. Title IV-E will not cover adoption subsidy for that child if that child is not known to the court.

So there is much that could be done in terms of us moving children faster if we could provide counseling to parents to help them reach those decisions. I think it is very important that we work ardently to get children back home, but at what point are reasonable efforts no longer reasonable?

So we really need to think about helping parents make decisions for their children, and sometimes the best decision and the most loving decision they can make is to choose adoption.

I want to move on, as time is short, and talk about the lack of cultural competence in care. We see a disproportionate number of children of color coming into care, and we see that these children subsequently become the children in need of adoption. I want to emphasize that much, much, much more has to be done in working with communities of color, building on the strengths of those communities, making alliances with those communities to bring forth the families of color who do in fact adopt these children.

We need the money to recruit these families; we need the money to prepare these families. We need to reinstate the 75 percent match for training of staff and training of adoptive and foster parents. And we need to support these families both to get through the adoption process, and we need to support them once they have the children in their homes. We need ongoing funding for adoption services. Right now, adoption funding comes through, basically, adoption opportunities and adoption assistance, but actual adoption opportunities money is primarily grant money, demonstration projects, so we need money to fund adoption services per se.

Thank you.

[The prepared statement of Ms. Lakin follows:]



Testimony before the U.S. Senate  
Subcommittee on Children, Family, Drugs, and Alcoholism  
Committee on Labor and Human Resources  
July 15, 1992

by

*Drenda S. Lakin, MSW, ACSW*

*Director*

National Resource Center for Special Needs Adoption

at

Spaulding for Children

*Judith K. McKenzie*

*Executive Director*

Thank you, Senators and staff, for inviting a representative of Spaulding for Children and the National Resource Center for Special Needs Adoption to testify on barriers to adoption before this subcommittee. As I talk about barriers to adoption they will fall into two major categories - one related to the children who wait for adoption and the other to the families who adopt them. They are:

1. Identifying and Planning for the Children Waiting for Adoption
  - a. Lack of accurate data
  - b. Delays in planning adoption
  - c. Lack of cultural competence
  - d. Lack of staff training
2. Recruiting and Retaining the Families Who Adopt the Children Who Wait
  - a. Lack of adequate funding and support for recruitment, preparation and support for families who would adopt
  - b. Lack of post legal adoption services

I will talk today from the experience of Spaulding for Children which has been in the forefront of the special needs adoption movement since its founding in 1968 and the experience of the National Resource Center for Special Needs Adoption founded in 1985 through a federal grant to Spaulding for Children. Since its inception in 1985, the National Resource Center for Special Needs Adoption has provided training to over 30,000 individuals representing every state in the nation, the District of Columbia, Puerto Rico, the Virgin Islands and Guam. We typically respond to over a 1000 requests for brief technical assistance each year and routinely provide more in depth technical assistance and consultation

on permanency planning and adoption to 5 to 10 states each year. In 1991, we distributed to every state and U.S. territory the *Special Needs Adoption Curriculum* we developed. This year we developed a curriculum and handbook for Indiana and Maryland respectively for their post legal adoption services project and have traveled throughout the nation interviewing people in various communities for the curriculum in cultural competence we are developing.

#### Identifying and Planning for the Children Waiting for Adoption

Estimates indicate that between 1980 and 1985 there was an overall decrease in the number of children in foster care. But the impact of poverty, homelessness, and drug and alcohol abuse are now having a tremendous impact on children and families. Since 1985 there has been a continuing increase in the number of children in care, and it is estimated that there will be an increase of 73.4% in the number of children in out of home care by 1995. (No Place to Call Home)

In fact the American Public Welfare Association estimated that the number of children in foster care had risen to 429,000 in fiscal year 1991 (Tatara in McKenzie). This is so despite increased focus on family preservation efforts. Unfortunately, once children enter care they tend to stay in care. Reunification of children with parents or adoption are not given a high priority as are abuse and neglect investigations and family preservation. Yet in Michigan we have seen that adoption has exceeded return to parents as a case resolution for the past two years. In 1992, 43.5% of case resolutions resulted in adoption while only 32.3% resulted in return to parents.

We know from our own practice and work with state and private agency staff that the children who are served by the child welfare system today have many more complex needs than those children served in the 60s and 70s. It is estimated that those children who come into care and subsequently need adoption services will have been more seriously physically or sexually abused, or neglected. This is true even though the average age of children entering care is younger than in the past. With advances in technology which allow them to survive, many of these young children may have complex medical needs, be infants exposed to drugs and alcohol in-utero and/or have AIDS. There is a growing concern about children



who will be orphaned by the AIDS epidemic even though they themselves may not have the disease. Children in care are more likely to have re-entered care after at least one reunification attempt with their families has failed. In addition they are more likely to be children of color. (No Place to Call Home)

With the increased numbers of children coming into care, we have not seen an increase in the number of children being adopted. It is estimated that only 18,000 children with special needs are adopted each year (Rosenthal and Groze) Most of these children with special needs are placed for adoption by public child welfare agencies. (National Committee on Adoption) However, we know that at any given time there are thousands of children in care for whom adoption planning is needed. While we estimate that 20-25% of the children in care need adoption planning, if we take only 10% of those estimated to be in care, nearly 43,000 children probably could be adopted each year!

And none of these figures address the number of children in out of home care through other service systems such as the juvenile justice or mental health and mental retardation systems. Fortunately, some of these systems are also beginning permanency planning efforts. The Department of Mental Health in Michigan has had a permanency planning program for children with developmental disabilities since 1983 in which we had been involved. Today only about 30 children served by Michigan's mental health system remain in residential type care and more are able to stay at home with creative planning with families. Still others are adopted. We have worked with agencies in Oklahoma and Pennsylvania to develop similar programs and are currently working with the Texas Department of Mental Health and Mental Retardation.

#### *Lack of Accurate Data*

You will note that I continue to use the word "estimate", in part because the Department of Health and Human Services has yet to publish regulations for implementation of the nationwide adoption and foster care data collection system pursuant to Title IV-E, Section 479 of the Social Security Act as amended by Public Law 99-509, Section 9443, of the Omnibus Budget Reconciliation Act of 1986.

Information is no more readily accessible on the state level. While information on specific cases or aggregate numbers of children in care may be available through state information systems, many adoption specialists report they must do a hand count to get useful data for their adoption programs. Because these figures are not "official" figures, they are difficult to obtain.

#### *Recommendation*

Thus, we need full implementation of the nationwide adoption and foster care data collection system. States will need financial support as well as technical assistance to implement this program, particularly in those states where services are administered more on a county basis than a state-wide basis.

Data also needs to be gathered from other service systems through which children are placed in out of home care. This includes not only public service agencies, but also those private child welfare and mental health type facilities.

Also needed is a computerized system to track decision making for children so that they do not linger in care over-long. Such a system needs to be guided by federal and state laws pertaining to reasonable efforts and time frames for permanency planning.

#### *Delays in Planning Adoption*

The data we can obtain indicates that children remain in care far too long.

A study by the Office of the Inspector General revealed that, in states studied, children spent an average of 2.5 to 3.5 years in foster care before the determination is made that adoption is the best option for them. (Kusserow) At Spaulding for Children where we have typically placed in adoptive families those children who could not be placed by other agencies, the average age of the child placed is approximately 10 years. However, a review of cases served indicated that most of the children we placed for adoption had entered care before the age of 2 years. The average length of stay was approximately 7.5 years. We are growing children up in the child welfare system and those who could have been more easily placed at the age of 2 years have become the difficult to place teens or pre-teens with a history of



many more moves and additional trauma encountered in the system. The Inspector General's Report outlines their findings as follows:

*States do not routinely track delays in freeing children for adoption, but there is evidence that children remain in foster care too long. States studied revealed that children with adoption plans generally remain in foster care between 3.5 and 5.5 years. Yet most states have basic legislation in place to guide the termination of parental rights.*

*Administrative barriers in the child welfare system cause the most excessive delays in freeing children for adoption. States are not timely or effective in meeting "reasonable efforts to reunite families" which is seen as a prerequisite to adoption. They have limited management commitment and lack of staff and services to make such "reasonable efforts." There is a delay in consideration of long-term care options for children with the loss of valuable information for case records and poor planning for children.*

*Many barriers and delays arise from the legal and judicial systems. Case documentation is frequently inadequate and implementation of adoption plans often stops with pre-petition reviews with decision-making hinging on the potential for legal success rather than the social service goals for the case.*

*Legal resources available for child welfare services are inadequate.*

*Scheduling and conducting court hearings delay implementation of adoption plans. Judicial biases or inaction often result in delays. The question of whether a child is adoptable is asked several times during the process and legal procedures in many states make contradictory demands on state adoption services. (Kusserow)*

Despite increased efforts at family preservation, the number of children in care has increased. This is due to the fact that once children enter care, there is a lack of concrete planning to reunite them with their birth families or make a plan for adoption. A study in

Indiana revealed that in 66.1% of cases where children reentered care following reunification with their parents, parents expressed persistent ambivalence about the parental role and family reunification. (Hess and Falaron) Yet in the field there is a strong value on reunifying families, even those who clearly are giving the message that they do not want their children: those who have literally thrown their children away, those who are inconsistent in attending court hearings, visiting their children or participating in service planning or accepting services.

There are misconceptions about what must occur before adoption can be considered. The study on foster care reentry in Indiana suggested that reunification may never have been an appropriate goal in some cases studied. There was a lack of clarity regarding placement outcome options and steps for implementing options other than return home. In some cases termination of parental rights and adoption had not been pursued based on legal advice suggesting that an adoptive home had to be available prior to seeking termination of parental rights. This had a particular effect on planning for African American children due to an assumption that African American adoptive families were not available. (Hess, Falaron, Jefferson, Hirshberger)

There was a lack of clarity about whether reunification must be attempted at least once before another permanent goal could be pursued and how many times reunification must be attempted before adoption could be considered. (Hess, Falaron, Jefferson and Hirshberger)

Some workers believe that there must be at least one failed reunification effort before adoption can be considered.

#### *Recommendation*

Parents need to know from their first contact with the agency that it is the agency's responsibility to not only protect their child from harm, but to also provide for permanency for the child. Parents need to be given the option of making a permanent plan of adoption for their child - proactively or tacitly. Strong social conditioning says that parents do not give up their children. Yet if parents know, up front, that they can voluntarily relinquish



their children or that their parental rights can be terminated if they do not follow through on service plans, visit their children, or attempt to correct the conditions that brought the child into care, they can make choices about the most appropriate permanent plan for their children. This does heighten the responsibility of agencies to really provide individualized, comprehensive services to families so that they can protect and nurture their children if they remain at home or are returned to the home.

It requires an approach that recognizes that planning need not be sequential, but rather looks at all possible outcomes and the means of achieving those outcomes when a family becomes known to the system and throughout the period of service. It requires accountability - holding the staff and families accountable for meeting case objectives, but also holding the agency accountable for providing the tools workers need to do their jobs and the resources that families need to meet objectives. A comprehensive review system not only monitors case progress but gives administration feed-back about the kinds of support and resources that are needed or must be developed to meet objectives. Adoption is held out as an option, a possible outcome, at the same time other options such as the child remaining at home, being placed, or being reunited with the family, are discussed.

This means that a variety of family preservation options are necessary. Short term crisis intervention may not be effective for all families, particularly those facing chronic problems or those for whom community treatment options are not available. The child welfare system cannot be all things to all people. There must be close work with community based programs that support families. Poverty and all its implications continues to be a major factor contributing to children entering care. Race is also a factor in the delay in providing help with problems until they are perceived as chronic and in failing to address the most critical issues facing families of color: poverty, poor health, housing and unsafe neighborhoods. (Saunders, Nelson, Landsman) Family preservation techniques also need to be adapted for use when planning a child's return home as are linkages to community resources that can support the family.

There must be collaboration and long term planning by all child welfare professionals -- those doing family preservation, child abuse and neglect investigations, foster care and adoption work. Permanency for children and the understanding of the impact of separation and loss on children must be understood by all. Permanency planning must be done in a timely manner without repeating what has been done by a prior worker because the case is transferred to another service unit or because of the high turn over rate in public child welfare agencies.

All staff must have a long term view of what is needed for children, not just whether a bed is available for the child in a crisis. For example, if a child enters care after intensive work is done with the family, at least some consideration must be given to placing the child immediately in an adoptive family rather than temporary foster care. Family preservation services must be geared toward keeping all families intact, including adoptive families experiencing difficulties.

The "abandoned infant" crisis could be ameliorated if parents are given services before they are discharged from the hospital and are given option of releasing their child for adoption. This would also require policy and changes in funding to support such programs. Currently children are only eligible for Title IV-E foster care or adoption assistance if the case is known to the courts. Yet many of these children will enter foster care when a petition is filed because they have been abandoned. The financial cost thus becomes higher and the emotional cost to the child, who is likely to experience at least one more move and a delay in permanency, is even greater.

Some states have drafted legislation to allow parents, particularly those dying of AIDS, to designate a "stand-by guardian" so that when the parent becomes too ill to care for the child, or dies, the child will go immediately into the home of the "stand-by guardian." Thus the child need not enter the foster care system. There may be other situations in which this concept could be applied.



Kinship care is also a growing phenomena in the child welfare system. Most families ordinarily ask for help from extended family members and kin in times of difficulty. However, today these kin often need financial and social service support to care for the young relatives who have suffered from abuse, neglect or exposure to damaging substances in-utero. Social service agencies must identify these kin early and assess their ability and willingness to become the permanent family for the child if the child cannot be reunified with parents.

Such decisiveness and long range planning is also needed in selecting foster home placements. Today states report that 40-80% of the children who are adopted, are adopted by their foster parents. This means that agencies must take care to place a child in a foster family that can work with birth families toward reunification or become the adoptive family if the child cannot return home. They must be a family who can meet the child's long term social, emotional, cultural and developmental needs.

### *Lack of Cultural Competence*

The changing demographics of the child welfare population reflects the lack of cultural competence in human services systems and the need for culturally competent systems, policies and practices.

To discuss adoption today one must discuss the current situation for children of color, which is alarming. The proportion of children of color in the child welfare system is three times greater than the proportion of children of color in the nation's population. The percentage of African American, Hispanic and Native American children in the system is notable. States with a large proportion of African American children in foster care in large proportions are New Jersey (63%); Maryland (57%); Louisiana (54%); Delaware (50%); Alabama (49%); and North Carolina and New York (45%). Those with a high percentage of Hispanic children care include New Mexico (40%); Texas (23%); Arizona (20%); Colorado (18%); and New York (14%). Native American Indian children are disproportionately represented in the child welfare systems in South Dakota (65%); Oklahoma (10%); Washington (9%); and Nebraska (5%). In major urban areas the child welfare population is almost exclusively

children of color. Children of color represent over 80% of the children in care in the Chicago metropolitan area and nearly 90% of those in care in New York City. (Steno)

Yet racial bias continues to be evident in the treatment of families and children of color served by the child welfare system today. The system was not designed to serve children and families of color and did not in noticeable numbers until the 1960's with the advent of the civil rights movement and greater involvement of federal government through the anti-poverty programs. (Billingsley and Giovannoni)

The system responds more slowly to crises faced by families of color who have less access to support services such as day care and homemaker services. African American and Hispanic children receive less comprehensive service plans and parents of color have been viewed as less able to profit from support services. This leads to children of color being over represented in substitute care services and a greater discrepancy between recommended and delivered services for children of color than for white children. (Hogan and Slu)

Despite changes in demographics in the country and the child welfare population, nationwide white child welfare workers represent 83% of the work force according to a 1984 report. (Vinokur; in Rosenthal and Groze) When we look at who makes decisions in the child welfare system, we see few people of color. All these factors result in children of color coming into the system in high proportion and being less likely to return to their families. Services are not available or accessible in communities of color to help these families before placement or targeted to the needs of these children and families once they enter the child welfare system. African American and Native American Indian children have the highest out of home placement rate. (Mason and Williams)

This means that children of color disproportionately become the children for whom adoption is needed. African American children comprise about 33% of the children free for adoption and 37% of the children who are free for adoption who have not been placed. Hispanic children remain in care longer than other groups before being freed for adoption. (Mason and



Williams) In *The Study of Adoption Services for Waiting Minority and Nonminority Children* by Westat, Inc., race/ethnicity was the single strongest predictor of whether or not a child was in an adoptive placement. Children of color were much less likely to be in adoptive placements. Only 47% of the waiting children of color compared to 67% of the waiting white children were in non-finalized adoptive placements. (*The Study of Adoption Services for Waiting Minority and Nonminority Children*)

For African American children who cannot return to their birth families, termination of parental rights and adoption may not even be pursued based on the belief that an African American adoptive families are not available. (Hess, et.al.) Native American Indian child welfare advocates report that there seems to be as much effort put into trying to find reasons to avoid compliance with the Indian Child Welfare Act as with complying with it.

In the context of exclusion and discrimination it is not unusual that the communities of color view the child welfare system with suspicion and mistrust. It is understandable that people in these communities would be reluctant to approach an agency to adopt. The same agency that removes children of color in disproportionate numbers from their communities may be the same agency that reaches out to find families to adopt waiting children.

### *Recommendations*

What is needed are culturally competent child welfare agencies and policies. Thus on an administrative, policy, practice and community level, cultural differences will be recognized and services will be adapted so that they are culturally relevant and build upon the strengths of families and communities and their culture. Too often the social service organizations have ignored strong institutions in communities of color, such as the churches in the African American communities, Programs need to collaborate with and build on the strengths of such institutions.

This will require a recognition of the changing U.S. demographics and preparation of a new generation of leaders who can work well with communities of color. Our Center attempted

to do this through its Adoption Leadership Institute, funded primarily by foundation grants and corporate and private donations, in which the majority of participants were people of color. However, we have not had funding to continue offering this program.

Agencies also need to hire qualified people of color in direct service positions. It has been shown that successful adoption programs for children of color have staff of similar cultural and racial backgrounds, are located in the communities served, include members of the community on boards of directors and in decision making positions, have staff that speak the language of the community and have programs that celebrate the strengths of the culture of their constituency. (Billingsley and Giovannoni)

Public agencies can no longer rely on private agencies to place infants whose mothers want to voluntarily relinquish them for adoption. Such agencies support their programs by fees to adoptive parents. Some agencies stopped providing services to African American women because they felt they could not cover their costs from fees paid. Some families who would adopt find the fees prohibitive, particularly in some agencies. Other families, particularly those with a history of slavery in their culture, find fees repugnant and too close to what they perceive as baby selling. Fees are a barrier to adoption for children of color. (Gilles and Kroll)

Active adoption recruitment programs in communities of color will need to be funded in order to bring forth the families who actually adopt children of color with special needs. National policies, such as the Child Abuse Prevention, Adoption and Family Services Act of 1988 (P.L. 100-294) which encourages programs aimed at increasing the number of children of color placed in adoptive families with a special emphasis on recruitment of families of color, support such efforts. The Adoption Opportunities Branch of the Children's Bureau of the U.S. Department of Health and Human Services has been able to fund a number of adoption recruitment demonstration projects focused on the needs of children of color.

The Adoption Reform Act of 1978 allowed the Adoption Opportunities Branch to fund a wide variety of demonstration projects related to the adoption of children with special needs



from recruitment efforts on through the provision of post legal adoption services. Yet recruitment and retention efforts cannot be a one time campaign or a two year demonstration project. Institutional racism cannot be overcome in such short term efforts. Further, as one child is placed for adoption, another enters care and subsequently is available for adoption. There must be on-going funding for adoption recruitment and retention efforts. Appropriate placement in foster families that recognize and support children's cultural needs must be made at the point the child enters care, as the foster family is likely to become the adoptive family.

Placements with relatives/kin should be explored before and after a child enters care to maintain family ties. However, if this has not been done, a diligent search for relatives or kin interested in adopting should be made when the child becomes available for adoption. In Michigan this leads to over 24% of all children adopted through the Michigan Department of Social Services being adopted by relatives.

#### *Lack of Staff Training*

When we go into states to train, it is not unusual for participants to tell us that it has been five years since they have had any training. It seems that when there are budget difficulties, training is the first to be cut. When we recently trained representatives from five New England states, we were told that, despite the fact that we had provided each state and territory with a copy of the *Special Needs Adoption Curriculum* in 1991, no one had access to it.

It is also not unusual for the same states to ask us to come back to do the same training. The turn-over rate is such that basic training must be provided on a regular basis. Some states have done well in using Title IV-E matching funds to provide basic training, on-going training and professional training for staff. This is sorely lacking in other states and who regions of the country.

We have participated in various program and case reviews, with major reviews in Illinois in conjunction with a pending class action suit and another in New Mexico with HHS staff.

Reading case records reveals that staff do know how to complete compliance forms, but there is little to reveal that staff know how to do child and family assessments and develop comprehensive, individualized plans for intervention. This clearly impacts planning for children and the number who linger in care.

#### *Recommendation*

What is needed is the reestablishment of the 75% match for staff and foster and adoptive parent training through Title IV-E funding. Further, HHS regional staff need to assist and support states in utilizing these funds to increase staff competencies. This funding must be available also to train staff of private agencies from whom public agencies purchase services for children for whom the public agency is responsible.

Similar funding is necessary to support the professional education of those who would enter the field of child welfare, particularly to serve those children for whom the public child welfare system has responsibility. Schools of social work on both the graduate and undergraduate level must be encouraged to educate professionals to work in the child welfare field.

#### **Recruiting and Retaining Families Who Adopt Children Who Wait**

##### *Lack of adequate funding and support for recruitment, preparation and support for families who would adopt*

I have mentioned earlier the need for adoption recruitment. This is particularly important when we look at who the children are who wait for adoption and who the families are who want to adopt. They do not match up! Most people still think of adoption as adopting that healthy infant. Yet the Michigan Adoption Resource Exchange currently lists 573 children waiting to be adopted. Two hundred fifty six (256) are over the age of 10 years. Routinely over 65% of the children listed with MARE are African American. The Michigan children are representative of the types children awaiting adoption across the nation.



Who adopts these children? Generally they are families who already have children, who may be older, have modest incomes, may be single parents, and today are more likely to be people of color. These families have been shown to be successful adopters, perhaps more successful than the stereotypical two parent, middle class white families which has been the model used in selecting adopting families. (Rosenthal & Groze)

This is one reason training and cultural competence are so important. Even when recruitment brings families forward, these efforts are meaningless if recruited families do not remain in the adoption process. It can be expected that a certain number of families will withdraw from the process due to a change in their circumstances, or a recognition that they are not ready to proceed with adoption. However, agencies must look closely at the reasons families withdraw from the adoption process, particularly families of color.

Festinger's 1972 report of her study on the reasons for withdrawal from the adoption process indicated a number of significant differences in the reasons for withdrawal given by African American and European American participants in the study. The reasons that African American families gave for withdrawal were more likely to be related to agency rules and procedures or miscommunication between them and the agency. European Americans were more likely to withdraw due to pregnancy, going to other sources for adoption, or due to objections about the worker with whom they had contact. African American families who objected to various agency rules and procedures seemed to react to bureaucratic elements with which they were confronted and with which they disagreed. It appeared that some African American families who withdrew due to miscommunication were expecting more reassurance than they received. In addition, despite the participants' general expression of positive feelings about the workers with whom they had made contact, the worker's race was related to outcome. Families who had contact with an African American worker were less apt to withdraw than those in contact with a European American worker. (Festinger)

Other studies have shown that a lower percentage of families of color contrasted with white family applications resulted in adoptive placement. A study by the National Urban League

found that only two of 800 applications from African American families were approved. A Texas study revealed a lower percentage of Hispanic family applications as contrasted with white family applications resulted in adoptive placement. Staffing patterns have been shown to effect such outcomes. Agencies with workers of color are more likely to approve families of color and that the percentage of placements of children of color is strongly correlated with such staffing patterns. (in Rosenthal and Groze)

In fact a 1985 study by Westat Inc. indicated two ways of reducing or eliminating the gap between the placement rates of white children and children of color. The gap was reduced in communities with a positive attitude toward the local public adoption agency. Agencies reported efforts to reach out to communities and develop public awareness programs designed to improve community attitudes and knowledge of the adoption process. They had broadened their recruitment efforts to encourage families of color, single persons and lower income families to adopt. The second way the gap between the placement rates of white children and children of color was eliminated was with an active recruitment program in the agency coupled with the presence of a foster family willing to adopt. This was despite the fact that children of color were less likely to have a foster family interested in adopting them. This further points out the need for looking at foster families as adoption resources. (The Study of Adoption Services for Waiting Minority and Nonminority Children)

Families who adopt, whether newly recruited adoptive families, or foster families who adopt, need careful preparation for adoption. The most competent parent may be easily overwhelmed by the behavioral and emotional challenges presented by a child who has been abused, moved from one foster home to another, and still has emotional ties to his or her birth family. However, studies still reveal that many families receive little or no preparation for adoption. (Rosenthal & Groze; Sedlak and Broadhurst)

#### *Recommendation*

What is needed is a recognition that adoption brings unique issues to family life. There needs to be on-going funding of adoption programs to allow for sufficient staffing to prepare families for adoption.



This preparation may include training of foster and adoptive families. The funding from Title IV-E for parent training needs to be maintained at the 75% match level.

Agencies need to look at their policies, procedures and practices to see if they are making foster care placements appropriate to meet the life long needs of children. Many agencies have begun to do joint foster and adoptive parent recruitment and preparation for fostering and adopting.

#### *Lack of Post Legal Adoption Services*

Studies indicate that the disruption rate in adoption is low and that most parents are satisfied with their adoptions. (Barth and Berry; Rosenthal and Groze; Sedlak and Broadhurst) Adoption assistance has been a wonderful support for adoptive families while being cost-effective and saving states money in foster care payments. (Sedlak and Broadhurst) Yet parents complain about the lack of post legal adoption services.

Many of the parents seeking post legal adoption services are those who adopted healthy infants or children from abroad who are not eligible for adoption assistance. (Fales) For those adopting children with special needs, the need for post legal adoption services will be even greater. However, all adoptive parents have in common the fact that the adoption experience is different than having children biologically.

Too often adoptive parents have sought professional help only to be blamed for their children's problems, despite the history of abuse, neglect or many separations the child had experienced prior to adoption. Others have been told that they must be "crazy" for adopting a child with special needs. Clearly families have difficulty finding services that are sensitive to adoption issues. They also have difficulty finding the types of services they need, whether it is respite care, therapy or residential treatment. It is even more difficult to find the funding to pay for these services. Another problem is that parents get the service their insurance will pay for, such as psychiatric hospitalization, when what the family and child really need are out-patient services early on before the problem escalates.

Yet few states have implemented post legal adoption services programs. While a number of agencies have had federal grants, few public agencies have fully implemented post legal adoption services programs. Title IV-B funds are used in some states, but the availability of funds for this purpose are quite limited. The only states we know that have fully functioning programs are in New Jersey and Texas. These services are not only crucial to sustaining families, but are crucial to the placement of children. People are more likely to take on the risk that certain children bring if they know that supports will be there when difficulties arise ... and they will.

Today and tomorrow representatives to a consortium of seven states (Arizona, Illinois, Michigan, South Carolina, Virginia, Washington, and Wisconsin) who have post legal adoption services grants, are meeting with HHS Children's Bureau staff. When the Consortium started about two years ago, representatives prioritized the following issues they had identified for discussion in their meetings:

Residential treatment

Funding for services

Community based multi-disciplinary teams

Training for school personnel and mental health professionals.

While states are attempting to maximize their utilization of federal funds and are increasingly looking at Title XIX (Medicaid) funding for subsidy to fund post legal adoption services, there is no on-going funding stream for adoption or post legal adoption services. Medicaid and the Title IV-E adoption assistance program in most states cover only a small percentage of the children of the total state adoption assistance or subsidy program.

#### *Recommendation*

What is needed is funding to preserve adoptive families regardless of the child's eligibility

for Title IV-E adoption assistance. If such funds are to be provided as family preservation funds, it is crucial that post legal adoption services specifically be designated as a use for the funds and that states be required to train staff delivering such services to adoptive families to adapt services to the unique needs of adoptive families.

Families need a variety of accessible, community based post legal adoption services, ranging from training, support groups, crisis intervention, respite care, financial support, access to residential treatment without having to give up their rights as parents to therapeutic and case management services.

### Summary

The major barriers to adoption I have identified include the lack of data, delays in adoption planning, the lack of cultural competence and staff training as well as the lack of funding for recruitment preparation and support of adoptive families. Many of these issues need to be addressed by the state agencies, but national leadership and focus on these issues as well as funding to support local efforts are necessary to meet the needs of the thousands of children who are waiting for a permanent family.

[Editor's note--The booklet entitled "Building a Model Adoption Program" supplied by Ms. Lakin is retained in the files of the committee.]



Senator DODD. Thank you very much, Drenda.

Rose, thank you for being with us.

Ms. ZELTSER. Thank you, Senator.

On behalf of Governor Jim Florio, first lady Lucinda Florio, Commissioner Waldman and Director Nick Scalera, I want to thank you for including a public child welfare agency in your presentation and for selecting New Jersey as the State to present here.

Public child welfare agencies across the country are faced with the ever increasing burden of a significant increase in referrals of families who face serious social problems including long-term drug and alcohol abuse and mental health problems. The results of these problems are seen in the increased incidence of serious physical and sexual abuse and neglect of children, increased domestic violence and homelessness.

In reality, most of America's foster children wait for permanency while they are in the public child welfare system, so it is fitting that we be at this table today.

As many of the speakers have talked about, our children are medically fragile; a lot of crack and cocaine addicted babies, a lot of children born with irreparable physical and mental handicaps. And while they would have been kept in institutional care 20 years ago, we are trying to find them families, and we are having some success.

But these children present us with a challenge upon which we must always constantly focus our attention and energy. To be successful—and I think we have talked about this a little bit here—you have to have this kind of commitment through all of the services and systems that serve those children. All of those systems have to be committed to making permanent homes possible for those kids, because it is too easy to forget these kids; it is too easy for them to become invisible.

We tend to make institutional decisions for children instead of decisions based on their individual needs. You talked, Senator, about the best interest of the child, and although we all say we believe in that, the reality is that it really becomes secondary to the legal rights of parents and the administrative needs of the agency, or the needs of foster parents.

With the goal of brevity, I will paraphrase—

Senator DODD. Yet, Rose, I am right about the statutes, though. Do you know of a statute in the United States that doesn't talk about what is supposed to be the bottom line interest—the best interest of the child?

Ms. ZELTSER. Yes. Well, if I had more than 5 minutes, I would tell you about the incredible problems we are having in our court system because of the change in the new termination statute and some U.S. Supreme Court decision that just came out. We are finding children held up in the court system incredibly long periods of time, bonded 4 or 5 years with foster parents, and we aren't getting termination.

Senator DODD. Despite the fact that the statutes all talk about the best interest of the child.

Ms. ZELTSER. Absolutely; it is despite that. It is very, very difficult.

I think that there is an incredible need for leadership in determining and saying outright that the best interest of the child is still viable, because there are many people in our State—legal service attorneys, birth parent attorneys—who basically say long-term foster care is okay because it protects the right of the birth parent. This is really going to be very devastating in terms of adoption practice for those children if it is allowed to stay.

The bottom line is these kids need advocacy, and they need advocacy on the part of everybody who touches their lives. The Federal Government can help by offering States incentives to structure their systems in such a way as to encourage early identification of children in need of adoption services, and these incentives should be offered over and above the current level. If we add disincentives, these kids just go to the bottom of the pile in terms of priorities.

Minority recruitment is critical to the success of any adoption program, and we feel that you have got to involve the African American community in this endeavor if you are going to make any success as a public agency.

On the Federal level, we would recommend the development and promulgation of public service announcements to better educate the American public about the existence of these children and the existence of subsidy payments for most of those children. Many of our kids are so traumatized and hurt by the early abuse, neglect and multiple placements that they require therapeutic treatment before being placed with a family. Sexually abused young children really have to learn that they can trust another family not to hurt them before they go to live with that family.

In New Jersey, we have adopted pre-adoptive group homes, treatment families, and bridge families to help those children deal with that early rage and grief that they have experienced.

Families who adopt those children need postadoption services, and Drenda went on to explain the reason for that. We would further say that those services have to be accessible to those families, and those agencies that provide these services should offer in-home counseling. Many of our families do not have the resources to make it to a traditional mental health type of agency.

There should be a discrete Federal and State partnership in the provision of postadoption social services. We would like the Federal Government to reimburse the States for the additional costs associated with the placement of very high-risk children. Families should not have to turn back those children to the State in order to access those services.

Legal services should be available for termination of parental rights, both paralegals to draft the complaints, as well as attorneys. Our case records are overburdened with very high caseloads. If they don't believe the case is going to get to trial, they will not prepare that case for acceptance by the adoption unit. We feel the Federal Government could help us in this effort by offering reimbursement for the judicial determination of all children, not just IV-E children.

Again, as I said before, family court judges must be consistently educated as to the need for permanent homes for children.

We should provide and expand grants to the States through the Adoption Opportunities Act. Many of our programs in New Jersey



started as grants, so we could define what works, and then ask for State funding.

Finally, we feel that the Federal Government should try and offer more financial incentives to adoptive families themselves. The nonrecurring costs is helpful, but it is not as beneficial to a family as would be offering direct tax deductions or tax incentives, similar to the child care credit, for costs that they are having to assume beyond the subsidy.

Thank you very much.

[The prepared statement of Ms. Zeltser follows:]

#### PREPARED STATEMENT OF ROSE PACILLO ZELTSEER

Good morning, my name is Rose Pacillo Zeltser and I am the administrator of adoption operations and support, with the New Jersey Division of Youth and Family Services.

On behalf of Governor Jim Florio, First Lady Lucinda Florio, who is very actively involved in our special needs adoption program, Commissioner William Waldman of the new Jersey Department of Human Services, and Nicholas R. Scalera, director of the New Jersey Division of Youth and Family Services, I want to thank you for including a public child welfare agency in your presentation, and for selecting New Jersey as an example of a State that is working very hard at developing a comprehensive and systemic approach to our adoption program to children with special needs.

Public child welfare agencies across the country are faced with the ever increasing burden of a significant increase in referrals of families who face serious social problems, including long term drug and alcohol use and mental health problems. The results of these problems are seen in the increased incidence of serious physical and sexual abuse and neglect of children; increased domestic violence and homelessness.

In reality, most of America's foster children wait for permanency while they are in the public child welfare system. We also are seeing a significant increase in the number of children born medically fragile; crack-and-cocaine addicted babies; children with HIV and children who suffer irreparable physical and mental incapacities. While 20 years ago these children may have been left in institutional care, today we are committed to and are successful at offering many of them permanent adoptive homes (see attached adoption statistics).

But these children present us with a challenge upon which we must constantly focus our attention and energy. To be successful at placing these children requires determined leadership and commitment across all of the integrated systems that serve them: the child welfare agency, the legal system; the judiciary; community-based agencies; child advocates; the media; and the community-at-large. All of these systems must focus on the primary tenet which has shaped the development of adoptive services in New Jersey: that every child has a right to a permanent family and that the adults who serve these children are responsible for removing any barriers that deter the child from receiving that permanent family.

While this is our goal, it is not easy to achieve. As studies and class action suits have shown, these children all too often can become invisible. We can easily immune ourselves to their pain and suffering: We can tend to make general institutional decisions regarding their lives, rather than focus on their individual needs. The "best interest of the child" is a phrase we say we believe in, but all too often becomes secondary to the legal rights of birth families; the needs of foster parents; and administrative changes in public agencies.

I often say to judges, "when you make your decisions, think of the child as your child or grandchild; don't assume that the foster child can sustain more unpredictability and insecurity than your own child." We should not act as if they are different, because they are not.

I have included in my written testimony the continuum of services that we, in New Jersey believe are critical to the successful placement of adoptable children and retention of their adoptive families. I've also included background statistics that convey the agency's overall picture of adoption, as well as our last year's adoption statistical report.

As my colleagues will be focusing on different aspects of this continuum, I will focus my remarks on factors that we feel are essential, if you are considering strengthening adoption opportunities.

—The public agency must have direct face-to-face linkages with the private agencies identified to serve these children, whether they be private adoption agencies;



post adoption counselling agencies, residential treatment facilities; or other organizational units within the agency itself. These children require pro-active advocacy on all levels and it is the agency responsible for the child that must aggressively reach out in his or her behalf.

—The Federal Government can help by offering the States incentives to structure their systems in such a way as to encourage early identification of children in need of adoption services. As well as offering incentives for any increase in the average numbers of special needs adoptions that occur. These incentives must be over and above the existing funding. Disincentives will only serve to de-emphasize these children as priorities.

—Minority recruitment is critical to the success of any adoption program and, this recruitment program must involve the active participation of the African American community. The New Jersey task force to recruit adoptive homes for African American children has been very successful in reaching NJ's African American communities. In reality, many members of the African American community do not readily trust governmental bureaucracies, and there must be a linkage between the agency and the target community, if we are to be truly successful in this effort. At any given time there are up to seventy waiting children on our adoption exchange; 98 percent of whom are African American.

—On the Federal level, we recommend the development and promulgation of public service announcements to better educate the American public about the existence of these children, and the existence of subsidy services for most adoptable children with special needs.

—Many of our children are so severely traumatized and hurt by abuse: neglect and, often times, multiple placements, that they require therapeutic treatment before being placed with an adoptive family. These children, many of whom have been sexually abused at young ages, need to learn that they can trust another family to nurture and care for them.

In our efforts to help these children learn to trust adults again, New Jersey has developed three pre-adoptive group homes; treatment families and bridge families.

—A child who typifies how successful this work can be, is someone we will call Matthew. At the age of three Matthew saw his father murder his mother and older sibling. He was left in the home with the bodies. Matthew took on the persona of a dog and exhibited very bizarre and sexualized behaviors. After a number of failed foster placements, he was placed in one of our group homes. After 3 years of treatment, he has just been told that there is a family for him. He is very happy but equally scared about his new family.

—Families who adopt children like Matthew require the availability of post adoption services, until these children are grown. In New Jersey, we require that all families selected to adopt a child over the age of 5, agree to participate in one of our post adoption counseling services. In short, post adoption services must be accessible to families. Further, these programs must offer in-home counselling, as many of our families do not have the capacity to physically leave their children and visit a traditional mental health setting.

There should be a discrete Federal and State partnership in the provision of post adoption social services. Currently, the social services block grant (SSBG) is the major source of Federal funding for social services. There are so many competing social service needs among different groups of people in New Jersey that our State overspends its SSBG (\$87 million) by approximately \$50 million per year. The proposed child welfare amendments which are included in the reconciliation bill passed by the House, includes the flexibility to include adoptive families as recipients of family preservation and family support services. We strongly urge the conferees to accept the language that was proposed by the House, and should this bill be passed, we would ask that the administration educate the States that post adoption services should be included in their plans.

—We would like the Federal Government to reimburse States for the additional costs associated with placement of very high risk children; States should be able to offer services such as respite care or residential services as part of the subsidy program if at the time of placement, the child is diagnosed and requires intensive therapeutic or medical services. The adoptive family should not have to return the child to the State agency in order to access the service.

—Sufficient legal services must be available in the State, including paralegals to help draft the termination of parental rights (TPR) complaints, as well as attorneys to litigate these cases. In reality, children on our caseloads who are sitting in foster care will not be identified for adoption services, if there is the perception that the cases won't go to trial anyway.

—New Jersey would like to see the Federal Government continue to reimburse the States for Title IV-E administrative costs associated with the judicial deter-

mination of all children. However, we would also like to obtain Federal reimbursement for all children regardless of whether or not they are Title IV-E eligible. This acknowledges and validates the fact that both disciplines in the legal and social work fields are critical to the timely adoption processing of all children.

—Family court judges must be offered consistent training around the critical importance of timely decision making for children. In New Jersey, many county courts have termination of parental rights cases in trial for more than 2 years, even though New Jersey law prescribes a 3-month time frame for disposition of these cases.

—The Federal Government should continue to provide and, if possible, expand the grants to the States through the adoption opportunities Act. Many of our programs were developed after receiving an initial Federal grant which then allowed us to try out the concept, document its success, and eventually build a strong case for continuing program with funding from the State.

—The Federal Government should offer more financial incentives to adoptive families. While it helps to reimburse for non-recurring costs related to the adoption, the fact is it is cumbersome for families to access such reimbursement and it adds to the administrative costs of the agency that must process the paperwork.

—For this reason, we recommend that we return to the practice of offering families who adopt special needs children, direct tax incentives; i.e., direct deductions for expenses associated with the adoption, once finalized. In addition, perhaps families could be offered a double deduction if they adopt a child from a residential or hospital like setting. Another idea might be to offer tax credits for extraordinary expenses related to the care of the child, if not covered by subsidy payment similar to the current child and dependent care credit. (2441).

—Finally, New Jersey would like to focus the Federal Government's attention on those children for whom adoption may not be the most appropriate placement goal. New Jersey would like the Federal Government to consider mechanisms to allow States to receive Federal reimbursement payments in behalf of children who are placed with relatives, once those relatives obtain legal custody. Also, there should be a flexibility that would allow these children to be taken out of the child placement review system, i.e., we should develop guidelines for a relative subsidy program. The reality is, many children are leaving non-related foster care and living with family members who, while not wishing to formally adopt the children, accept that they are legally responsible for them. These relatives need the services of their State's child protection and family support agency in order to properly care for the children, but based on our experience, they do not require the agency's involvement in their day-to-day decision making in the child's behalf. New Jersey is currently assessing this multi faceted issue, but would welcome a broader perspective.

Once again thank you for the opportunity to present New Jersey's opinions on adoption before your committee.

[Editor's note—The supplemental material supplied by Ms. Zeltser is retained in the files of the committee.]

Senator Metzenbaum [presiding]. Thank you very much for an excellent statement, Ms. Zeltser. We will have some questions.

Mr. Patrick O'Brien, we are happy to welcome you here this morning.

Mr. O'BRIEN. Thanks a lot for giving me the opportunity to speak to you today.

First, I just want to mention a word about Downey Side. Downey Side is the only homelessness prevention program in the country that attempts to prevent homelessness by finding permanent adoptive homes for adolescent and preadolescent foster children.

We place children solely between the ages of 8 and 17. We currently have offices in Hartford, CT—and through no coincidence did I put that office first—Springfield, MA; Albany, New York City, and Lake Ronkonkoma, NY. In addition, we service the entire State of New Jersey.

Senator Dodd had asked me to comment on three questions, so I am going to give brief answers to those three questions. One, why is it so important to focus in on older foster children?



Now, all of us who live in urban environments, whether we come from Hartford, CT, or New York City, San Francisco or Los Angeles, or Camden, NJ or Boston, MA, have a common experience. All of us have experienced what it is like to walk down the streets in our respective neighborhoods or places of work and to walk around, over, or through the living dead, referred to as “the homeless.”

Many of us know what it is like not to be able to walk a three-block radius without three or four panhandlers begging us for money. Some of us know the awkward feeling of walking down the street with our children and trying to explain why the homeless are there in the first place.

Where do these homeless people come from, and what does this question have to do with why it is imperative that we make every effort to get every older foster child into a permanent family relationship, adoption being the best type of relationship?

The general wisdom is that the homeless exist for four primary reasons: unemployment, poverty, drug and alcohol addiction, and mental illness. But you have got to ask one question about those areas, and that is: Why does any specific unemployed person or poverty-stricken person or addicted person or mentally ill person become homeless? They all have one thing in common. People are homeless because they have no functional relationships in their lives. It is not just their unemployment, their poverty, their addictions, or their mental illnesses that cause their homelessness. It is their lack of relationships that cause their homelessness.

This factor is very, very important when one realizes that we could have prevented half the homeless population from being homeless—“we” meaning you, me, and anyone here who works for or around government.

Every study that I have ever seen on the subject of homelessness shows that at least half the homeless or more have spent significant parts of their childhood in foster care. I have attached a paper citing these studies to my testimony.

What this means is that at least half the homeless had government as their parent at some time during their childhood. What this also means is that at least half the homeless could have been hooked into human relationships before being discharged from foster care had the people in the system had the right attitude about the relationships for older foster children.

Hence, it is extremely important to focus in on the older foster children for adoption because they are closest to their foster care discharge dates. If we don't hook these older kids into relationships through adoption before they are discharged from foster care, these very same children who are in our care today could very well be among tomorrow's homeless. That is the urgency.

Senator Dodd had asked a second question which was: What are the issues older children are likely to bring to adoptive families? You might hear a lot today about the negative behaviors children will bring to their adoptive families. It is important to know that most of what you hear is true and then some.

However, I want to share with you today that the primary issue that older children bring is the fact that they put many of the adoptive parents I place them with in touch with painful emotions they never could imagine they would have been put in touch with.



When our children commit negative behaviors, the new parents have a reaction, and that is generally a very emotionally painful reaction.

We at Downey Side believe that this pain is a gift. And it is a gift not just from the child, but it is a gift from a higher power, a gift from God, if you will. When our families hang in with their kids and work through this pain, they grow as human beings. They become more complete human beings because they work through their pain by claiming their new child rather than trying to return the child to the agency.

Our adoptive parents of older foster children have told us time and time again that there is no more rewarding or satisfying a feeling than to work through a difficult period with their new child as opposed to giving that child up.

Downey Side families' world view is very different from society at large, however. We live in a disposable society, as Reverend Jackson mentioned. You throw everything out—disposable razors and disposable lighters—but worst of all, disposal relationships.

You see, all relationships that are meaningful necessarily have to cause emotional pain for the relationship and the people in that relationship to grow as human beings. But in a disposal society, if you have emotional pain due to a relationship, you are taught to dispose of it.

For instance, it is OK to divorce our spouses if we don't get along with them; it is okay to stop speaking to our parents and our siblings for years on end if there was the slightest little disagreement; but worst of all, it is okay to turn in your older child if he or she is giving you too much trouble.

In short, the primary issue that families face is going against the societal grain and keeping the kid through the negative behaviors that cause all sorts of emotional pain. We have attached to our testimony a variety of what our services are, outlined in a position paper.

The third question that Senator Dodd asked was how do you work with adopting parents to help make the adoption a success for all concerned.

I want to briefly comment here on how we define success. Success to us at Downey Side is simply when the adult or the adults we place a child with claim the child as their own. Success means the child we place is offered the same safety net that all of our parents offered to us—the safety net of unconditional commitment. We never really thought that our parents offered that, but that is what our parents were able to give us.

The safety net of unconditional commitment is a “doing” form of love. Martin Luther King said it best when he noted that God said we must love our neighbors as ourselves, but he said absolutely nothing about liking them. This “doing” form of love, unconditional commitment through the process of claiming, is the primary form of love our children need. An adult who will stick by his child whether he likes the child's behavior or not is success. And this is success because the likelihood that the claimed child will be homeless due to poverty, unemployment, addiction, or mental illness is dramatically reduced because the child is in the safety net of the relationship of family.

I am going to stop in one second, but I am just going to note that they asked what recommendations we would make, and I am just going to list three of them in case anybody wants to ask questions later. But our first recommendation is that you have to eliminate the "nonrelational, homelessness-causing, independent living permanency planning goal," that the Federal Government sanctions that we can give children in foster care.

Our other recommendation is that we have to end foster care as we know it, and we have a solution that is much better than Senator Moynihan's orphanage solution.

Then, the third recommendation is that we have to completely change the funding system in foster care in this country.

Thank you very much for giving me the time to speak to you today.

[The prepared statement of Mr. O'Brien follows:]

#### PREPARED STATEMENT OF PATRICK O'BRIEN

Thank you very much for offering us this opportunity to speak with you today. Before I begin I would like to mention a word about Downey Side. Downey Side is the only homelessness prevention program in the country that attempts to prevent homelessness by finding permanent adoptive homes for adolescent and pre-adolescent foster children.

We place children for adoption between the ages of 8 and 17. We currently have offices in Hartford, CT; Springfield, MA; Albany, NY; New York City; and Lake Ronkonkoma, NY. In addition, we also service the entire State of New Jersey.

1) Why is it so important to focus on these children?

All of us urban dwellers, whether we come from Hartford, CT or New York City; San Francisco or Los Angeles; Camden, NJ or Boston, MA; share a common experience.

All of us have experienced what it is like to walk down the street in our respective neighborhoods or places of work and have to walk around, over, or through the living dead referred to as "the homeless" in our big cities.

Many of us know what it is like not being able to walk down a three block radius without being approached three or four times by different panhandlers begging for money.

Some of us know the awkward feeling of walking down the street with our children and trying to explain why the homeless are there when our children ask us.

Where do these homeless people come from and what does this question have to do with why it is imperative that we make every effort to get every older child in foster care into a permanent family relationship through adoption?

The general wisdom is that the homeless exist because of four primary reasons:

1) Unemployment: People are homeless because of a lack of jobs. Though there is an element of truth to this, we still must ask why does unemployment lead to homelessness for any given individual?

2) Poverty: People are homeless because of oppressive poverty. Clearly there is an element of truth to this, but we still must ask the question why does poverty lead to homelessness for any given individual?

3) Drug & Alcohol Addiction: People are homeless because of substance abuse. Again, there is an element of truth to this but we still must ask why does addiction lead to the homelessness of any given individual?

4) Mental Illness: People are homeless because of deinstitutionalization which leads to the homelessness of the mentally ill. And even though there is some truth to this as well, we still must ask why is any given mentally ill person who might have been deinstitutionalized homeless?

These four above factors and four questions are extremely important because the answer to every question asked is the same. People are homeless because they have no functional human relationships in their lives. It is not just their unemployment, poverty, addictions, or mental illnesses that cause their homelessness, it is also their lack of relationships.

This fact is very very important when one realizes that we could have prevented half the homeless people from being homeless ("we" meaning you and I and all the people in this room who work for and around government).



You see, every study that I have ever seen on the subject of youth homelessness shows that at least half the homeless or more have spent significant parts of their childhood in foster care (a paper citing these studies is attached).

What this means is that at least half the homeless had government as its parent at some time during its childhood.

What this also means is that at least half the homeless could have been hooked into human relationships before being discharged from the system had the people in the system had the right attitude about relationships for older foster kids.

Hence, it is extremely important to focus in on older foster children for adoption because they are closest to their discharge dates. If we don't hook these older foster children into relationships through adoption before they are discharged from foster care, these very same children who are in our care today could very well be among tomorrow's homeless.

2) What issues are they likely to bring to adoptive families?

You will probably here alot today about all the negative behaviors children will bring to their new adoptive families. It is important to note that everything you here is true and more.

However, I want to share with you today that the primary issue the children bring is the fact that they put many of the adults that I place them with in touch with painful emotions they never could have imagined they would have been put in touch with. When our children commit negative behaviors their new parents have a reaction and it is usually emotionally very painful.

We at Downey Side believe that this pain is a gift, and a gift not only from the child, but a gift from a higher power as well. When our families hang in with their kids and work through this pain they grow as human beings. They become more complete human beings because they work through their pain and claim their new child, rather than attempting to return the child to the agency. Our adoptive parents of older foster children have told us time and time again there is no more rewarding and satisfying a feeling than to work through a difficult period with their new child as opposed to giving up on the child.

Downey Side families' world view is very different than the society at large these days. We live in a "disposable" society. You can throw everything out. Disposable razors. Disposable lighters. Disposable flashlights. But, worst of all, disposable relationships.

You see, all our relationships that are meaningful necessarily have to cause us emotional pain for the relationship, and the people in that relationship, to grow as human beings. But in a "disposable" society, if you have physical pain you take a pill, and if you have emotional pain due to a relationship you are taught to dispose of it. Society tells us to:

—Divorce our spouses

—Stop speaking to our parents or siblings for years on end.

—Don't ever call our best friend again if he or she gave us loving constructive criticism or advise.

—Quit our job if we and our boss don't get along.

—Turn in our kid if they were adopted at an older age.

The greatest issue a family faces in accepting one of our children is one of societal attitude, or more accurately, the people in society's attitude. Though our families have been extensively prepared by us in a nine week adoption course to claim their child no matter what negative behavior the child exhibits, sometimes we are no match for the societal attitudes of the other people in our families' lives. Our families still have to deal with everyone else around them who say "this child's negative behavior is causing you emotional pain, get him outta there! Send him back to the agency!"

The children Downey Side places face monumental discrimination unlike any other group of children in society today. Though it has been my experience that their behaviors are not much different than the behaviors of biological children who are brought up by their biological parents in working class neighborhoods, the consequences suggested by friends, families, and neighbors ("send the child back!") are far more extreme than what one would suggest for the exact same behavior, or worse behavior, committed by someone's biological child.

And it is not just our parents' families, friends, neighbors who give this "disposable" advice, but this type of advice come from people who one would think should know better. This advice comes from local police, from therapists, from social workers, from family physicians, and, even in some cases, from clergy. Our families have a lot to put up with.

In short, the primary issue our families face is going against the societal grain and keeping a kid through negative behaviors that cause them all sorts of emotional pain. We have a variety of post adoptions services, which are outlined in an at-

tached position paper, that were designed to meet the crisis and immediacy needs of our parents first. Its a very interesting paper that I hope you get a chance to read.

3) How do you work with adopting parents to help make the adoption a success for all concerned?

First and most important is how we define "success." Success to us at Downey Side is simply when the adult or adults we place a child with claims the child as their own. Success means the child we placed is offered the same "safety net" that all of our parents offered to us—the safety net of unconditional commitment.

The safety net of unconditional commitment is a "doing" form of love. Martin Luther King said it best when he noted that God said we must love our neighbors as ourselves but he said nothing about liking them. This "doing" form of love, unconditional commitment through the process of claiming, is the primary form of love our children need. An adult who will stick by their child whether they like that child's behavior or not is success. And this is success because the likelihood that the claimed child will be homeless due to poverty, unemployment, addiction, or mental illness is dramatically reduced because the child is in the safety net of the relationship of family.

As noted in the previous section, a position paper entitled is attached which gives an in depth analysis of how we work with families after the placement of a child and well beyond the finalization of the adoption of that child.

#### HOW CAN THE FEDERAL GOVERNMENT BETTER ENCOURAGE AND SUPPORT ADOPTING FAMILIES AND THEIR CHILDREN?

Though Downey Side can write a 500 page book or dissertation on this subject, we will limit our discussion to three topics that we truly believe the Federal Government can have an impact on.

1) Eliminate the non-relational-homelessness-causing Independent Living permanency planning goal:

There is no purpose to having a non-relational "permanency planning" goal called Independent Living. This is the legal loophole that causes a majority of homelessness in our big cities. The only true function the goal serves is to prevent getting older foster children into permanent relationships by keeping them in foster care until they are 18-21. A well-behaved kid with a goal of Independent Living brings thousands of dollars into a public or private agency's coffers.

This is the primary reason you will hear no one but Downey Side talking about this problem. The goal of Independent Living creates an industry where kids stay in a legal limbo where they must be cared for by the State. The Independent living goals give agencies a perfectly legal way to keep their foster care censuses up. If we get rid of the goal everyone must attempt to continue to find relationships for children no matter what their age is.

Proponents of keeping the I.L. goal come up with a variety of intellectualizations about why the goal is needed. I have attached a grant proposal written to the Kellogg Foundation, which they chose not to fund, and a position paper addressing the relationship between Youth Homelessness, Independent Living Goal, and the Lack of Adoption Planning for Older Foster Children. These papers address all the intellectualizations, including some of the most famous ones:

A) Kids needs the skills training. I agree with this. They just don't need the goal. The intellectuals will try to confuse you by stating you need the goal to provide skills training. This is simply not true. The position paper addresses this issue.

B) Some kids don't want to be adopted. Most kids verbalize this. These kids are not reached out to, however. The Kellogg proposal addresses this issue.

Downey Side is also trying to address this issue in a light humorous way by creating our first very own cartoon character called the "Independent liver." This new cartoon character was just introduced in our last newsletter and we have attached a copy of the story of the "Independent Liver" to this testimony. We hope you enjoy it.

2) End Foster Care as we know it and practice it.

When a child is taken away from its biological parent that child must be put into the safest environment possible. The child does not need to be put in the very unsafe environment of a non-human State Bureaucracy that we now know as the United States Foster Care system.

The State can't police us well. Nor can the State pick up our garbage well. The State cannot educate our children well. With all this common knowledge, how can we possibly expect the State to parent our children well. It can't! The State is not human and only humans can parent other humans. It is unnatural and goes against all our common sense to think the State can parent children. It's impossible and



its unsafe. Just look at the statistics of how many of our children are physically and sexually abused in foster care.

The day a child is removed from its biological parent that child should immediately be placed in the protective custody and guardianship (which means the home) of a Permanency Planning Advocate or Guardian Ad Litem. This person or persons (if married) would be a Guardian whose primary function is one of a permanency planning advocate whose first job is to help the child return to its bioparent. But this guardian would also be trained to assist in advising the Court if this plan was not a possible one and to advocate for the child's permanency as soon as possible elsewhere. Setting up a system this way means that at no point would the child ever be in the unsafe custody of the non-human bureaucracy known as the U.S. Foster Care system. The child will always be in the protective custody of a well trained and caring advocate rather than the disempowered non-custodial "foster" parent the State would place the child with.

The relationship between the State and foster parents right now resembles one of Master and Slave, foster parents in the role of slave. Every good foster parent knows that if they want to advocate for the best interest of a child in their care they risk having that child taken away from them. Every foster parent who ever has wanted to advocate for their child will tell you that they either had to shut up or risk having their child taken away.

The intellectuals in the field of foster care will tell you about a new and improved concept called "partnership" with their foster parents. After these new and improved foster parents received this new and improved training orientation they now become partners as opposed to the current system where they are essentially slaves. However "partnership" is no good as well because these parents are still "foster" and have no advocacy rights and powers that a guardian or custodian would have.

I believe the "foster" parent of the future should not be "foster" at all. Families who take children in should be empowered to be the Child's permanency planning advocate and be given full custody and guardianship at placement. The State can still prepare these families, pay them a board rate, and administer this new guardianship program, but the State would no longer be allowed to be the child's parent. The State's role would be one of a servant to these new permanency planning parent advocate guardians. Not Master, not partner, but servant. And good administrators at the State level will be given the opportunity to practice servant leadership rather than master dictatorship.

The only way a child can be truly protected when removed from his biological parent is to be put in the custody and guardianship of a well trained human being parent advocate immediately. If we don't do this, we will continue to have the mess in both foster care and adoption that we have today.

### 3) Change the current foster care funding system.

There is something wonderful actually going on in the New York City foster care system as we speak. The foster care census is dropping, its going down. Because of my various positions in New York City I have the opportunity to sit in the same rooms with foster care agency directors. And, sitting in rooms with agency directors as often as I do, I have noticed very interesting reactions to the wonderful news I just cited above—these agency executives reacted to this wonderful news the way you or I would react if we just found out our best friend died.

There is something drastically wrong with this picture. Because of the way foster care is funded, foster care executives have heart failure when the foster care census goes down rather than rejoicing over the good news.

I have already alluded to in recommendation I that one of the primary reasons the Independent Living goal exists is to keep kids in foster care. Foster care is funded on a per day child in care basis. There is no financial incentive to get kids out of care through returning them home or getting them adopted. It is a financial system that makes no business sense. It rewards failure and penalizes success. If a kids stays in care longer agencies receive money. If an agency docs a wonderful job and gets kids into permanency it loses money. What would you do if your business was set up this way?

Until the federal government can implement our second recommendation noted above, it has to do something about this third one. Come up with a system where agencies are rewarded for child permanency in as short a period as possible. Put the most money into the first year of foster care and offer incentives for every child that goes to a permanent relationship.

But, no matter what, you must scratch this per diem system where agencies get paid for each day a child is in their care. It keeps children out of relationships and causes homelessness when they become discharged from the system.

[Editor's note—The paper submitted by Mr. O'Brien is retained in the files of the committee due to the high cost of printing.]

Senator DODD. I want to be careful here, because I mentioned Senator Moynihan earlier, and I did not suggest he was advocating that, but merely expressing the frustration with children who are with biological parents in devastating situations, children who are in foster care in devastating situations, children who are in adoptive homes in devastating situations, and that, given the alternative—I think is the point he was trying to make—to those, it is better that a child be in a safe, institutional setting than in a dreadful family setting—not that that is the ideal goal, but it was in that context that his frustrations were expressed.

Mr. O'BRIEN. I understood that, because he is our New York Senator, and I have had a chance to dialogue with his staff on that issue.

Senator DODD. OK.

Sydney, thank you for being with us.

Ms. DUNCAN. Senator Dodd, if you will give me a few moments before the green light just to acknowledge my appreciation for our Michigan Senator introducing us. Those of us from Michigan appreciate him as a man of integrity and strong values, but he has also been a friend to children in the foster care system. His improvement of the subsidy bill in 1979 created adoption opportunities and eliminated one of the most significant barriers to foster parents becoming adoptive parents.

Senator DODD. I know Carl will appreciate immensely your kind words.

Ms. DUNCAN. Thank you.

As you know, I am from Homes for Black Children in Detroit, and Homes for Black Children stands as an example of what can happen when the African American community is given the opportunity to solve the problem of its children in need of families.

When we started in 1969, adoption was not available as an opportunity to most black children, and our first full year of operation, we placed more black children in adoptive homes than the 13 existing local agencies combined. What had never occurred to me until this morning when Senator Levin was speaking of this is that it also was more black children in adoptive homes than all of the agencies in the State of Michigan combined for that same period of time.

Since our beginning, we have placed 1,049 children ranging in age from newborn as young as 3 days old, to 15 years of age. They have been all kinds of children—children who were abused, children who were abandoned, children who were neglected, children who had physical and emotional handicaps. The majority of them were simply children who needed a family.

I should also note that the children were placed with working class families, middle class families, two-parent families. Sometimes, we assume that when black families come forth in large numbers, that in some way the standards have been altered. That is not true in terms of Homes for Black Children's experience.

Within 3 years of our beginning, the problem of not enough families for Detroit's black children was solved. The private agencies were learning by that time from our experience. The public agency instituted a specialized adoption program called Project 72 that was also successful in placing black children.



Detroit had become a community that could provide adoptive homes for its waiting children, and Homes for Black Children was the catalyst for that change. Having solve that problem, we reduced our adoption program significantly in 1974 and moved into family preservation. And for very nearly 20 years, we were minimally involved in adoption. However, in very recent years, adoption in Detroit has reemerged as a serious community problem, so Homes for Black Children has now refocused its energies on adoption. We have increased our adoptive placements, and we are providing leadership to the adoption community in planning and increasing the adoption opportunities for black children.

The success of Homes for Black Children has been recognized by our own Senator Riegle when, on June 9, 1981, he entered an account of our success in the Congressional Record. Our success has been acknowledged in Ebony magazine, Mirabella magazine, Essence magazine, The Wall Street Journal, the Children's Defense Fund publication, the Administration for Children, Youth and Families publication, as well as all of the Detroit media including The Detroit Free Press and The Detroit News.

Efforts have been made to duplicate our services throughout the country and in London, England. In 1980, we were awarded a grant by the Federal Government to give assistance to other cities in developing similar kinds of programs.

Homes for Black Children in Detroit is not the only agency that has had success in placing black children. The Homes for Black Children project here in Washington, DC, under the leadership of Mae Best, placed 425 black children within a 10-year period and with a staff of two social workers. The Institute for Black Parenting in Los Angeles, under the leadership of Zena Oglesby, in the course of its 3 years of existence, has placed about 250 black children. In the State of Arkansas, the Black Adoption Outreach Unit that is a part of the State social service department, has had success in placing black children under the leadership of Gloria Aborgee. There are others that have been successful. What we all have in common is that we are African Americans, we are in the community, and we have incorporated into our knowledge base an awareness of black families.

I want to just very quickly say that one of the main problems in terms of African American children is that they are in the care of and being planned for by adoption agencies that have traditionally served white children. Many of them do not know the African American community; they do not respect the African American community; they don't know of our diversity; they don't have any idea that there are families there who will take the children.

There are other factors that are part of it. My main point is that the African American community, if given the opportunity, can offer a solution to the needs of black children.

[The prepared statement of Ms. Duncan follows:]

#### PREPARED STATEMENT OF SYDNEY DUNCAN

Homes for Black Children in Detroit stands as an example of what can happen when the African American Community is given the opportunity to solve the problem of its children in need of families. When Homes for Black Children began in 1969, adoption opportunities were not available to most black children. Homes for Black Children in its first year of operation placed more black children in adoptive

homes than the other 13 existing agencies combined. This dramatic success proved to the adoption community that when appropriate services are offered, black families will adopt.

Since its inception, Homes for Black Children has placed 1,049 children. They have ranged in age from newborn to 15. We have placed together families of children including as many as 6 sisters and brothers. Our placements have included children born drug exposed, children who came to us abused, abandoned or neglected, as well as children with various kinds of physical or emotional handicaps. Most however, were normal healthy children who simply needed an adoptive home.

Within 3 years, the problem of not having enough adoptive homes for Detroit's black children was solved. The private agencies were learning from the experience of Homes for Black Children and beginning to place black children in significant numbers. The public agency instituted a special adoption project that also successfully placed black children. Detroit had become a community that could provide adoptive homes for its waiting black children and homes for Black Children had been the catalyst for this change. Having solved the problem for which we were funded, in 1974 we reduced our adoption program and shifted our emphasis to family preservation.

The need for adoptive homes has reemerged as a serious community problem due to a growing foster care population. Last year, after 20 years of minimal adoptive activity, Homes for Black Children re-focused its energy on adoption. Through increased adoptive placements and providing leadership in the community for systems change, we are assisting in decreasing the number of waiting children.

The success of Homes for Black Children has been recognized by our own Senator Riegle when on June 9, 1981 he entered an account of our work and services into the Congressional Record. Our success has been acknowledged in Ebony Magazine, Mirabella Magazine, Essence magazine, The Wall Street Journal, The Children's Defense Fund Publication, The Administration for Children, Youth and Families' Publication; as well as, The Detroit News and The Detroit Free Press. Efforts to duplicate our services have been made in cities throughout the United States as well as in London, England.

In 1980, we were awarded funding from the the Federal Government to assist other cities in developing adoption programs for black children. The Homes for Black Children Project in Washington, DC under the leadership of Mae Best, The Institute for Black Parenting in Los Angeles, CA under the leadership of Zena Ogelsby, and The Black Adoption Outreach Unit in Little Rock, AR under the leadership of Gloria Aborgee, have all been successful in the adoptive placement of black children. There are also others that have been successful. What we have in common is that we are all African American, located in African American Communities. We have a knowledge base as well as family and community awareness that enables us to have success in the placement of black children.

The problem of black children without families is related to the fact that black children are in the care of adoption agencies that have traditionally served white children. Many of these agencies do not know or respect the African American Community. Nor do they know of its diversity of people, including families who will adopt.

The problem is a child welfare system that does not meet the needs of children well and private adoption agencies whose existence is dependent on fees from adoptive families. Out of necessity their primary concern becomes the fee, without which they could not survive. Unfortunately, our system of adoption has developed into one that has greater concern for its own survival, rather than the needs of children.

I believe there is a solution for black children in need of adoption. And, I believe the solution is through a partnership between the traditional agencies and African American adoption agencies. That is, African American agencies would assume the responsibility for the adoptive placements of African American children who are in the care of other agencies.

The potential for meeting the adoptive needs of black children is greatest within the African American Community. If given the opportunity, our community can solve this problem.

#### STATEMENT ON TRANSRACIAL ADOPTION

I wish to be clear that I do not take a position for or against transracial adoptions because I believe it to be a very divisive issue within the adoption community and traps children in the middle. More importantly, though there may be particular children whose needs are being met through transracial adoption, I believe it is the African American Community that has within its power the ability and responsibility to meet the needs of black children.



Further, I believe that if we were to seek answers for Anglo-American children who needed adoptive families, we would not envision the solution as being within the African American agencies and expect this to be the most sensible means to solve their problem. Yet, this is precisely what is happening in terms of black children. Traditionally white agencies, with histories of refusing service to black children as recently as 12 or 15 years ago, are now the primary caretakers and planners for children who are black. It should be noted that an enormous amount of money is involved in supporting these agencies. Funding sources for adoption services are investing resources in training white staff to serve black children rather than investing in the African American Community and its agencies.

When the African American Community is appropriately permitted to be involved in the adoption needs of black children, the most significant barrier to their being adopted will be removed and the problem solved. While I believe policy making and planning for black children in need of adoption should be based in the African American Community, at the same time I also believe the decision about a home for a specific child must be based on his particular needs and circumstances.

Senator DODD. Thank you very much, Ms. Duncan, for your testimony. I'll ask a couple questions, and then turn to my colleague.

You just touched on what you think are some of the concerns in terms of the special needs, which may be cultural or racial, in placing children for adoption. I would like to ask our other witnesses as well to comment on what you see as inherent problems in placing special needs children. Is race—in the view of our other witnesses as well—a major hurdle? Cost? Lack of sensitivity in agencies to religious, cultural, or racial issues? I wonder if you could just share with us your own thoughts on your experiences.

Obviously, Mr. O'Brien, you are dealing with older children, and their age, and the luggage that children who have already been through a lot bring to a situation is fairly obvious. What other hurdles have you seen?

Mr. O'BRIEN. After doing work in this field for 6½ years and being trained that nobody wants the kids, I found it fascinating that the major hurdle is just people's attitude. Wherever we set up a program, people come to adopt the kids—African-American people come to adopt older African-American children, for instance.

We have sort of a "field of dreams" approach. We set up a program, and the people come. We go to a church and do our 9-week adoption course, and that's a whole approach. We don't ask anybody to adopt older kids; we ask everybody to learn about adopting older kids. We go into the community and offer a course, and people come.

So the predominant problem is attitude. Certainly, foster care plays a big role in it as well, because the whole system is very unnatural when you ask the State to parent a child rather than a human being, when a kid has to be taken away from his or her biological parents, and that is something that is so common sensical that no one even analyzes it anymore. It is just that the way we practice child welfare in this country, it makes absolutely no sense, and it is incredibly unnatural to put children in the care of a bureaucracy rather than a person.

Senator DODD. One of the networks ran a program in Connecticut called, "Tuesday's Child" or "Thursday's Child," which was very good. I think it was a very positive thing to do. They talk specifically about a child who has some needs and ask for people to come forward. I don't recall ever seeing a program where they talk about successes, where you might take the same amount of time to show one that is a success, so that you can break down the attitudinal

problems. Whether it be movies made for television or sitcoms or whatever people could talk about the problems that a family went through and sort of dramatize it. They aren't going to run a show where everything works out from beginning to end, perfectly well; it is always some crisis that makes it an appealing and entertaining program.

I wonder if we couldn't make a better effort through public service announcements to demonstrate that in most cases, things work out fine. I hope that is a fair statement to make, that in most cases they do.

Mr. O'BRIEN. Yes, and what we are teaching in our courses is success through growing pains, because there are going to be problems. But just because there are problems doesn't mean we don't have success. It's just that the media is not interested in good stories and success stories; they always focus in on problems and areas where it is just very hard—

Senator DODD. They don't report about planes that fly, is the point you are making; for instance, you don't hear on the news a story about "US Air took off today from Hartford, and made it to Washington." That's not exactly a gripping story.

Mr. O'BRIEN. Exactly. And they don't report about adoptions that go well.

Senator DODD. That's an idea that just occurred to me.

Rose?

Ms. ZELTSER. Recently, WOR TV, which is our network affiliate in New Jersey, took that approach, and it was really wonderful. Instead of just having the child say, "I need a home," we had a black family who adopted a child from a residential facility, a little boy named "Corey," who is his own terrific spokesman. He can talk very articulately about what it means to have a family. He articulates it by saying, "I finally feel like I can sit down instead of standing up all my life." They took that context, and they put it into a PSA, and we are finding a lot of success from the community with that kind of approach.

Senator DODD. Drenda.

Ms. LAKIN. To go back to your first question, I do think that there are things that we really need to attend to. Certainly, I think we have all had experience—in our own agency, the primary population that we serve in our direct service division is African American children who are older, who have been through many placements. I would say the average age of the child we place is 10 years old, with most of them being preadolescent or adolescent. And we place primarily with African American families.

But as we go around the State and do training, a lot needs to be done in terms of agencies knowing how to work with those communities in adoption. What Sydney was saying was so important—to build on the strengths of those families and on the strengths of those communities. Right now, we have a project where we are literally doing recruitment through five African American churches, but in fact we are also going to do the family preparation and work with the families right there in the churches rather than having them come to the agency.



Also, we are hoping that the church will be a support to those families once they have adopted children who have very complex needs.

Senator DODD. My last question relates to the subject matter that is of such deep concern to my colleague from Ohio, and that is the transracial issue. The distinction between private placement agencies and public placement agencies, as I understand—and you are the professionals, so you correct me if I misspeak—is that in public placement adoptions, the natural parental rights have been terminated, and the natural parent really is not involved in selecting or choosing the adoptive parents. Is that generally correct?

Mr. O'BRIEN. Generally.

Ms. ZELTSER. Generally, that is correct. Most of our kids go through the termination process.

Senator DODD. Whereas in private placement adoptions, generally speaking again, the natural parents are very involved or can be very involved in selecting the adoptive parents; is that generally correct?

Mr. O'BRIEN. Sometimes.

Senator DODD. I am trying to separate out and distinguish here. It occurred to me as we were talking about this yesterday with our staffs in preparation for the hearing—what is the attitude about an African American family that comes in and says, “We are willing to adopt any child”—a white child that has physical or mental disabilities, for instance. I am very interested in the public agency attitudes. We always think about this issue in the context of a black child and white parents, but that statement alone is just pregnant with racism. What about the reverse, where the loving parents say, “We’ll take anybody. If you have a child here who needs a home, we’ll take him.”

Is there a problem that we aren’t talking about here in terms of the issue in reverse?

Ms. ZELTSER. We have in New Jersey what we call our “Adoption Exchange.” In that exchange, we are up to 70 children at any given time. Most of those children are African American. We do, though, have some white kids who are in residential care, some 14-, 15-, and 16-year-old kids.

Well, the reality is that if we had a black family that came forward and said they could really parent that child, particularly if they had multiracial children in their family, we would certainly welcome them. Since most of our children by the time they get to that age have lived with just about every color and nationality that exists.

In New Jersey, we have placed 13 white kids in transracial placement, so it is a small proportion but it happens. If those kids were placed in a black foster home at the time of placement, and that was the only home available, and the bonds exist, and the same issues occur, we hold the same principles. We have to look at that relationship before we’ll move that child out, and if it is a viable plan, and it is a place where the child wants to be and the family seems committed, we will allow that placement to go forward.

Mr. O'BRIEN. That’s a relatively unexplored topic, and in large part it is because of the great numbers of children available who

are African American. But my experience with white children who have grown up in foster care is that they are much more comfortable with people of color than even with whites because they have spent a good portion of their time with best friends who are African American and Latino, so they are much more comfortable.

I don't know of any specific adoptive placements yet, but I don't think there should be any major opposition to that.

Ms. DUNCAN. I would like to note that I am not against transracial adoption, and I don't advocate discriminating against white families who are interested in adopting African American children. But I do want to make a distinction between looking at a particular child's situation and forming the best plan based on what is available. That makes sense—whether it is a white family or not. But when we begin to think in terms of planning for large numbers of African American children, then it seems to me the appropriate place to begin to think in terms of planning, and the way to look at policy, is from the point of view of the African American community.

I don't believe that we would take Italian American or just Anglo American children and say that as we begin to find the solution to the overall problem, we are going to go to the African American agencies, or we are going to go to the African American community.

All I am saying is that this has not been done; that the agencies who have the children in care are not agencies that have linkages or roots or particular involvement in the African American community.

For example, I had someone tell me that African Americans will not take medically fragile children. I said, okay, if you are interested or concerned about medically fragile African American children, you are more likely to find the families if you have a program anchored in a church that has 5,000 African American families than if you have this agency over here that is looking for one black worker to make their connection.

Do you understand what I am saying, Senators?

Senator DODD. Yes. It's a very good point, too.

Ms. DUNCAN. Thank you.

Senator DODD. Senator Metzenbaum.

Senator METZENBAUM. Thank you. You have been a very informative panel, and I truly enjoyed your sharing your thoughts with us.

There are a couple of matters that I am just not clear on. First, do any orphanages still exist in this country?

Mr. O'BRIEN. They just have different euphemisms for them today. They don't call them "orphanages"; they call them "residential treatment centers," and they call them "hospitals." They've got new euphemisms for orphanages. They do anything but use the word "orphanage." And those are generally for the older kids. I don't know too many programs—although the next panel might—where babies are actually in orphanages any more.

Senator METZENBAUM. How much active involvement is there that any of you know about, in actually going out and trying to find adoptive parents? Is there an ongoing procedure? I gather that you have it, Mr. O'Brien, at Downey Side. Is there much going out into the communities and saying, "We are looking for parents"?



Ms. ZELTSER. In our agency, which is a public agency and we don't have that many resources, but we have made a commitment to recruit adoptive families so that each of our offices has a recruitment specialist who is African American or Hispanic, and we do provide leadership on the State level to try to direct them into the community.

The reality, though, is that we have found over the years that despite our best efforts, we are still a public agency, and we have had the most success when we have actively involved the leadership of the African American community—church leaders, media people. We now have a task force to recruit homes for African American kids that basically is our front person and really can permeate the African American community, and we are finding that very successful.

Senator METZENBAUM. Are any of you aware of any public service announcements asking "wouldn't you want to have a child in your family that might be—"

Ms. ZELTSER. This is one of my major points, and I make it any time I see any Federal people. Each State individually basically is told to develop their own PSA, and what happens in our State is that we develop the PSA, and it is usually on at 3:00 a.m. in the morning. So I think the reality is, and I'm not sure how to do this, but if there could be some Federal initiative to just promulgate the idea that these are the children who are out there, that there are subsidies, and that we are looking for families to adopt those children, and do it the same way we get the drug commercials on television at prime time, it might be helpful in educating the community that these children exist.

Senator METZENBAUM. Does anybody else care to respond to that?

Mr. O'BRIEN. In our State, we are the only ones who really focus in on the homelessness prevention of adoption of older kids, so there isn't too much going on in our State in regard to the true urgency of getting teenagers into relationships before they are discharged from foster care, because the only thing available to them is homelessness if we don't get them into relationships.

Senator METZENBAUM. Sandy.

Ms. DUNCAN. I was just going to tell you about Michigan after he finished.

Senator METZENBAUM. Please go ahead.

Ms. DUNCAN. In Detroit, we do have a feature that regularly appears every Thursday between 5:30 and 6:00 on our largest television station. It features a child each week, and it is very effective. I think your question was is there anything that lets people know that the children are there. I think Detroit for a long time has done that very well. Really, the oldest in this country is a column in the newspaper called, "A Child is Waiting." Those truly are the most effective recruitment tools that we have.

Senator METZENBAUM. I would strongly urge you, through your organizations and nationally—I think there would be a receptivity at many stations if somebody just urged them to do so, and my guess is that you might prevail upon some advertising agencies to do a public service ad for you free-of-charge.

I have one last question, and then I think we need to go on to our next panel. I could not conclude this panel or let the chair conclude it without asking you, Mr. O'Brien, first, where is Lake Ronkonkoma?

Mr. O'BRIEN. Long Island, Suffolk County.

Senator METZENBAUM. I see. I was just wondering why you would have an adoption program in Lake Ronkonkoma.

Mr. O'BRIEN. Actually, it was one of those "field of dreams" things. We set up the office, and the people came, so we just established an office there.

Senator METZENBAUM. I wouldn't have been able to sleep tonight if I hadn't asked you that question. Thank you.

Mr. O'BRIEN. And there is no lake there, either. [Laughter.]

Senator DODD. Well, you have been very, very helpful, and we want to stay in touch with all of you, because you work at this every day. We are the recent arrivals, who have been involved, frankly, off and on, and it will be very helpful to us to be able to stay in touch and talk with you, because there really are hundreds of years of experience arrayed right at this table.

My sense is of a coming together here. I know there may be people on the extremes, but I hear a clear consensus emerging on these questions. So far, that's what I have heard, anyway. There may be nuances, but I think there is a real consensus on the special needs issue, and particularly the transracial issue.

We thank you immensely. If you have any additional facts that you think we should have, by the way, in light of some of the questions that have been asked, please make sure we get that information.

So thank you all very much.

The three witness on the final panel—we have already heard from the Reverend Jesse Jackson—are Bill Pierce, with the National Council for Adoption, who has certainly been very active. I watched him on the "Jesse Jackson Show," in fact, when he was on that program—how many years ago was that?

Mr. PIERCE. Three years, Senator.

Senator DODD. Three years ago. We also welcome the Reverend Wilbert Talley, president of Virginia One Church, One Child, Inc., and Joe Kroll, executive director of the North American Council on Adoptable Children in St. Paul, MN.

Dr. Pierce has been president of the National Council for Adoption since it was founded in 1980, and while the organization focuses on all aspects of adoption, I have asked Dr. Pierce to focus on the barriers to adoption for minority children. And if you have any additional comments in light of some of the issues that have been raised earlier, we'll certainly be happy to hear your thoughts on them.

Reverend Talley is president of Virginia One Church, One Child, Inc., which recruits families through the church to adopt minority children. We have heard some wonderful testimony, which I know you heard as well, on how that is working beyond Virginia, and we are anxious to hear your thoughts.

And finally, Joe Kroll is executive director of the North American Council on Adoptable Children. For many years, the Council has focused on the barriers to adopting special needs children, so you



bring literally hundreds of years of experience from your involvement, and we are anxious to hear what you have to say. We are grateful to you for coming.

I should point out, by the way, that our colleague from Indiana Senator Coats has a statement that will be included in the record. He has a strong interest in this subject matter, but he is unable to be with us this morning. However, his absence from the subcommittee hearing should not reflect on his concern and interest in the subject matter. As so often happens, he is unavoidably absent, but nonetheless will be strongly involved in the decision-making process as we go forward.

[The prepared statement of Senator Coats follows:]

#### PREPARED STATEMENT OF SENATOR COATS

Mr. Chairman, I am in general agreement with the need for this legislation. However, I am concerned that as presently drafted, S. 1224 does not adequately protect the "best interests of the child."

S. 1224 appears to disallow even minimal delay in making an adoption placement—even where that reasonable delay occurs as a result of aggressive efforts to recruit or process an adoptive family of the same race as the child.

Mr. Chairman, I am concerned that as presently drafted, S. 1224 will not only tie the hands of many child welfare agencies, but will send a message to those agencies that they need not make any effort to recruit families of color—because if that effort causes any placement delay, they risk losing all of their Federal funding.

Mr. Chairman, I understand and appreciate the concern of the Senator from Ohio, but I think that as presently drafted, this bill focuses on the wrong issue.

The problem, it seems to me, is the need for continued reform of our social welfare system. We need to provide incentives for States to move children out of foster care and into permanency. We need to insist that States come up with plans for adoption for children who languish in foster care for over one year. We need to more aggressively seek to terminate parental rights where reunification is not possible or in the child's best interests. And we need to be realistic. We need to be realistic when making placement decisions. We should be more concerned about a family's capacity to love and nurture a child than with the size of their house or the number of bedrooms it has. If reunification is unlikely, then we need to accept that, so that the child can move into a permanent situation as soon as possible. Why—because we know that the longer a child stays in foster care, the more difficult it is for him to be adopted and for him to mature into a healthy adult.

The issue of race is a difficult one, and I commend Senator Metzenbaum for raising it. Few in academia or social welfare agree on the weight that should be given to race. And not surprisingly, we lawyers don't agree either. But there is one thing I would hope we could all agree on—that no individual should be denied an opportunity to adopt simply because of their race. De facto discrimination must never be tolerated.

To the extent that this is the goal of S. 1224, I think we may be able to reach an agreement. Let me reiterate, race should not be the sole factor in making an adoption decision, but it certainly

should be given at least the same weight as other factors such as religion, language, and culture. And in cases where several couples are deemed qualified to adopt, race can, in my opinion, rightly be used to tip the balance in favor of the same race couple, if that would be in the child's best interests.

For too long, African Americans have been denied access to their own children. For too long, a minority of agencies have maintained policies which shut the door on hundreds of potential adoptive families, simply because of the color of their skin. For too long we have tolerated policies which, while on their face appeared to be fair, had the effect of closing out many good and loving families. Many of these policies had little or nothing to do with the ability to nurture and raise a family.

These are the issues we should be addressing, but not by discouraging minority recruitment. I do share the Senator's goal of facilitating the placement of minority children in permanent homes. And while I believe strongly that same race placement is preferable, I also strongly believe that children should not languish in foster care awaiting that placement.

I look forward to working with Senator Metzenbaum on this issue and to hearing from today's witnesses.

Senator DODD. We thank all of you for being here, and Dr. Pierce, we'll hear from you first.

**STATEMENTS OF BILL PIERCE, NATIONAL COUNCIL FOR ADOPTION, WASHINGTON, DC; REVEREND WILBERT TALLEY, PRESIDENT, VIRGINIA ONE CHURCH, ONE CHILD, INC., RICHMOND, VA; AND JOE KROLL, EXECUTIVE DIRECTOR, NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN, ST. PAUL, MN**

Mr. PIERCE. Thank you very much, Mr. Chairman.

It is good to be before you, Senator; having joined you in the elevator earlier, I am glad to join you in your hearing room. Thank you for the comments about the "Jesse Jackson Show," because I think that show was an excellent example of how you can fiercely debate a topic, but the bottom line that Reverend Jackson came up with at the end was that we need to find families for kids. That's the bottom line.

Senator Metzenbaum, I can't tell you how much I appreciate your taking the lead on this important and controversial issue. We appreciate it, and I can tell you that across the country, there are tens of thousands of children who appreciate your leadership. We have had the great honor to work with you for many years in the area of adoption, and we are going to be very, very sad to see such a strong advocate for adoption retire—you deserve it, but we will be very sorry to see you leave.

Senator DODD. I want to point out that I spoke on the floor when Senator Metzenbaum announced his retirement, and I don't like the tone of this. I mean, you'd think my colleague had permanently left us. As I said when I began, it sounded like an Irish wake out there; but he is going to be around and involved. I guarantee you that as long as this guy has legs and a set of lungs, we are going to be hearing from Howard Metzenbaum.



Senator METZENBAUM. I just want to say some of the comments I thought were great, particularly yours, Mr. Chairman, and I was so pleased that I wasn't stretched out in a white box, listening to them.

Senator DODD. Well, we Irish love a good wake, but—

Senator METZENBAUM. Well, I'm alive and well and kicking. Thank you very much.

Mr. PIERCE. There are many barriers to adoption, and the various panels have certainly identified them, and I think they are important to focus on. But the barrier that we believe it is high time to focus on in a meaningful way is the barrier of racism or discrimination based on ethnicity in adoption programs.

Senator Metzenbaum's bill is a moderate piece of legislation. There are people on both extremes who will say that it is not enough or that it is too much. You are going to hear from people who say that it is not even needed. It is desperately needed.

Our children all across this country are buried in institutions—small institutions; we call them foster homes now—buried in institutions for years, and they cannot get out. Many of them are buried because of racism, white racism and black racism. Many of these children need to have someone go to court and take the public agencies to task for their failure.

This piece of legislation that Senator Metzenbaum has put forward and I hope that you, Senator Dodd, and your subcommittee will push through the Congress, this piece of legislation will give those of us who are child advocates all across the country a way to grab hold of these bigots who are killing children, literally killing children, through neglect and haul them into court and stop their actions.

Now, when I talk about white racists and black racists, I want to tell you they are there on both sides. The lack of information about the fact that children need families is terrible in our country. There is a tremendous agreement, by the way, I think among all the witnesses, that the first families we ought to look for are families that have racial or ethnic matching characteristics. I don't think there is a lot of controversy about that. But the other children, the children who can't find those families, they need those families now.

We have to make sure that the people who are working in public areas understand the research. The research is clear and unequivocal. The research, the most important of which was done by Howard Altstein and Rita Simon. Rita Simon, at American University here, was on that show with Jesse Jackson. She says that the children do fine. There is no debate about the outcome of children. There may have been a question in 1972 when the National Association of Black Social Workers condemned those of us who said this should be an option, but we have the evidence now. No one can claim that there is any question.

If the children turn out fine, then the only question is one of politics—politics of jobs, politics of power, politics of money. The children need families.

You know, in this country, this country that can do so many things so well, we are behind most of the rest of the world in protecting children. Romania, which was attacked on the front pages

and in this Congress for being “medieval” in their child care policies, recently passed a piece of legislation which requires permanence for children after 6 months—not 2 years or 18 months, as our current U.S. Federal law requires. Romania does three times as good a job in trying to make permanence available for their children as the United States. And that is a country that is far behind us.

Senator Dodd, you mentioned the issue of the best interests of the children. In Canada, they have a Federal law which says the best interest of the child must be the paramount interest. If we had that law actually working in this country—actually working—we would not have the DeBoer case right now on the front pages of our magazines because Iowa said they could not listen to the best interests of the child.

We need your help. We need your help, Senator Metzenbaum, to keep fighting. We need your help, Chairman Dodd, and your extraordinary gift of leadership, to push this legislation through. Please do not be distracted by naysayers. Please do not be distracted by those who would load it up and say let’s do something else. Let’s get this through this year.

Thank you.

[The prepared statement of Mr. Pierce follows:]

#### PREPARED STATEMENT OF WILLIAM L. PIERCE

Good morning Mr. Chairman, members of the committee. My name is Bill Pierce, president of the National Council For Adoption. NCFA is a national, voluntary, non-profit organization to assure that children, persons facing an untimely pregnancy, and families who may benefit from adoption are given the opportunity through sound, ethical adoption policies and practices. I want to first thank the committee for its interest in holding this very important hearing on removing barriers to adoption as hundreds of thousands of children languish in foster care.

While we certainly have many ideas for removing barriers to adoption in this country, I have been asked today to concentrate on the barriers to finding families for minority children, particularly those of African-American heritage. First, let’s look at the current situation.

The American Public Welfare Association estimates that 38 percent of the children in the foster care system who are waiting adoption are African-American children. African-Americans currently make up about 12.5 percent of our population. The African-American community has a long history of informal adoption and there are many individuals and families caring for unrelated children who are not involved in the child welfare system. So statistically, while African-Americans would be required to adopt at a much higher rate than Whites in order to find families for all the children in need, they also, as a group, are already severely stretched in their capacity to take in more children. The end result is that while 38 percent of the children in need of adoptive families are African-American, only 25 percent of the children who are adopted from the foster care system in any given year are African-American.

Many efforts have developed in the past two decades to recruit African-American adoptive families for African-American children and many, such as “One Church, One Child”, have been quite successful. A study on the placement of African-American children by the North American Council on Adoptable Children (NACAC) found that among 17 African-American operated agencies which specialize in placing African-American children and presumably use the most effective techniques in a culturally sensitive program to recruit African-American families, only 382 African-American children were placed in African-American homes in 1989–90, averaging 22.5 children per agency. The most conservative estimate is that at least 17,500 African-American children are in need of adoptive homes. Other estimates go as high as 50,000. At the current rate of placement, the United States would need 777 agencies specializing solely in African-American adoptions to find homes for 17,500 children, assuming that there were in fact enough African-American families available for adoption. To place 50,000 children, the United States would need over 2,000 agencies specializing solely in African-American adoptions.



It is also important to note that 54 percent of the 382 African-American children placed by specializing agencies were under the age of two. In contrast, only three percent of the children in the foster care system who are waiting to be adopted are under the age of 1 and 26 percent of the children waiting are between 1 and 5 years of age. Only 26 percent of the placements were over the age of 6, yet 70 percent of the children in foster care waiting for adoptive homes are over the age of 6. Clearly, even with the efforts advocated by the National Association of Black Social Workers to recruit African-American families, there has not been sufficient success. As a result, there are increasing reports of Civil Rights complaints and lawsuits against agencies who deny children the opportunity to be adopted by White families when a African-American family cannot be identified.

It is generally easier to find matching race families for African-American infants, particularly infant girls, so that infant adoption has become less of a problem. Where we need to focus and where most of the debate arises is the children who are stuck in our foster care system who will eventually have "special needs" if they stay too long. We are becoming more and more concerned about trends in the past 5 years of younger and younger children, including infants, coming into the system and staying longer because agencies are unwilling to terminate parental rights and move children quickly into permanent families, sometimes because the babies are African-American and agencies do not have waiting African-American families.

There was a recent uproar in the Senate with advocates asking Congress to withhold "most favored nation" trading status to Romania unless they improved their child welfare practices and allowed children who had been residing in orphanages for many years to be adopted. The Romanian government has made tremendous strides in the past few years of creating a child welfare system where none previously existed. Just this week a new law will go into effect which will allow the Romanian government to terminate the parental rights of parents who have not visited their children in the past 6 months. If only we could pass a similar law in the United States to protect the children languishing in boarder baby homes and being shuffled from foster family to foster family.

We strongly support Senator Metzenbaum's bill to prohibit using race or ethnicity to delay or deny or otherwise discriminate in making a foster care or adoption placement. We must stop this practice of moving children around because each move scars the child, maybe irreparably. Every effort should be made to find a matching race family as soon as the child comes into care. If no matching race family is available, the child should be placed with an appropriate family of another race. It is not appropriate to place the child in a group home or institutional setting because of the unavailability of a matching race family when other families are available. Once the child is in a family, regardless of race or ethnicity, the child should not be moved unless it is to return to the child's biological parents.

Further, the child's return to his biological parents should not be determined by the presence or absence of a matching race adoptive family, but be determined solely on whether the return is in the child's best interest. Increasingly, the principle of so-called "family preservation" has been used as a shield for discriminating racial policies. Last year in Texas, when the life-long Anglo foster parents of a Mexican-American 1-year-old who was free for adoption applied to adopt her, the agency refused first on grounds that they were not of "matching ethnicity." When the community was outraged at the ruling the agency amended their reasons to "family preservation" because they wanted the child to be placed in the same adoptive home as a sibling who was in another foster home, but whom the child had never met. The community still didn't accept it and in a settlement, the agency agreed to allow the first foster family to adopt the child they had cared for, and the second child would be returned to the biological mother who had already been determined unfit.

In another case in Minnesota, when the White foster parents of an African-American toddler requested to adopt him, a nationwide search was made to find a biological relative for the purpose of "family preservation." Finally, maternal grandparents who did not know of the child's existence were found in Virginia and the child's life was disrupted as he left the only parents he had ever known.

These cases, and the many others of children being shuffled in foster care, are based on principles of politics and racism, not child development. The research on transracial adoption shows unequivocally that for the most part, children who have been adopted transracially are doing very well. The largest and longest running longitudinal study of over 20 years by Rita Simon and Howard Altstein found that adults who had been adopted transracially were as much in touch with their parents and felt as much a part of their families as their siblings who had been born into their families.

Additionally, they did not find "racial identity confusion" as predicted by opponents of transracial adoption. Instead the children recognized that while they may

not have had the same "black experience" as inner-city African-Americans, they were nevertheless African-American and acknowledged that no two people have the same "black experience." A number of self-esteem and family integration tests were given and the children adopted transracially did not differ from their non-adopted siblings. In contrast to other "doll studies" where children are asked to select a Black or a White doll and it has been largely found that both Black children and White children more often select the White doll, children who were adopted transracially and their non-adopted siblings were just as likely to select a Black doll as a White doll. Therefore, since being raised in a multi-racial family is not harmful, removing the child from a stable, secure family with whom he has bonded or depriving a child of a permanent stable, secure family because of radical issues is nothing less than child abuse.

The National Council For Adoption has historically been concerned about the problems of racial discrimination inherent in America's child welfare system. Therefore, the Executive Committee of NCFCA passed the following position on August 4, 1984 regarding transracial adoption:

"In adoption, the best interests of the child should be the first consideration. In looking at the best interests of the child, we believe that considerations related to race or ethnicity should be kept in mind. Usually, placement of the child should be with a family of a similar racial or ethnic background. However, the placement of the child should not be unduly postponed because such a similar family is not available if otherwise qualified prospective adoptive parents of other races or ethnicity are available. In no instance should the permanence of an adoptive home be withheld from a child because a home of the same race or ethnicity is not available.

In those instances of adoption across racial and ethnic lines, adoptive families are encouraged to become familiar with the cultural tradition, histories, and values of their children's background. They should foster a firm development of their child's racial/ethnic identity. Placement agencies should become active in sponsoring both pre-adoption and post-adoption education and counseling services for those families which have entered into transracial and transnational adoption. Adoption across racial or ethnic lines should not be entered into lightly. There are many considerations that must be kept in mind, so that the child has the optimum opportunity to develop a sound sense of identity. However, it has been demonstrated that there have been and are adoptive parents of various races and ethnic backgrounds that have successfully parented children with other backgrounds.

Every effort should be made to build a pool of prospective adoptive parents for children who are likely to need adoptive homes. These efforts should be made prior to the availability of a specific child, so that children do not have to wait, on an individual basis, while a separate search is made for a suitable adoptive family for them. Various methods, such as informal networks between agencies and adoption exchanges, should be utilized to build this pool of qualified couples willing to adopt children.

Since, predictably, there will be healthy infants as well as children with special needs who need adoptive homes and since many of those children will be members of racial groups or ethnic groups which have not been characterized by large pools of waiting adoptive parents, it is critical that agencies, professional groups, and national organizations concerned with these issues work together to build such pools of waiting parents.

We have had more than a decade of activities focused on trying to find homes for waiting children, after the children have been freed for adoption. We now need to move, positively and aggressively, to find those homes before the children are freed so that they do not have to remain in limbo one day more than necessary.

Our ultimate goal is placing children as soon as they are legally free for adoption. Waiting 6 months to place a healthy infant would be deemed unsound. We must come to the point where it is considered unsound for any special needs child, including a child of minority or mixed racial or ethnic background, to wait for six months while a search for a home that is racially or ethnically matching is sought."

Senator DODD. Thank you. By the way, on the DeBoer case—I wrote my Law Review article as a young law student on the case of "Baby Lenore," which you may remember, but there probably aren't many other people who would. But that was one of the early cases involving a woman who gave up her child for adoption. The case went through both the New York courts and the Florida courts, where the statutes were virtually identical, and went to the highest courts in both States. The natural parents prevailed in the



New York court system. The adoptive parents, like in the DeBoer case, went to Florida, with exactly the same fact situation and almost to a word, exactly the same statute, and the Florida court reached exactly the opposite conclusion.

In the DeBoer case, the adoptive parents were from Michigan and went to Iowa to adopt, because Iowa had a more favorable statute regarding adoption, and then went back to Michigan, of course, because Michigan had more favorable statutes when it came to the other issues. And although I happen to disagree with the conclusion in that case, the natural father, who was at first not correctly identified, came forward within 3 weeks, which certainly was timely in terms of the natural father's asserting his rights. Now, at the end of the process, what bothers me is that equities don't get weighted here. We have to be careful about that case. A lot of people are speaking without knowing a lot about it. There was some "forum shopping." Where do adoptive parents go, what courts?

The great tragedy is that there is no uniformity nor comity, so parents can get some consistent answers early in the process. As I said, if I were sitting on that case, I would have reached a different conclusion. But that natural father is not without his rights, and he brought them in a timely fashion, in my view.

Anyway, I didn't mean to disrupt the process here.

Reverend Talley, please proceed.

Reverend TALLEY. Chairman Dodd and Senator Metzenbaum, thank you for this opportunity to testify before you today.

I am Wilbert Talley, the minister of Third Union Baptist Church in King William, VA, and assistant to the president of Virginia Union University in Richmond, and I am here today in my capacity as president of the One Church, One Child program in Virginia.

I am one of five vice presidents for the national One Church, One Child program, a body with representatives from 36 States, and I am an adoptive parent of a 17-year-old African American daughter. She is the youngest of my four children.

When my wife and I adopted our daughter, she was 9 years old and had been in several foster home placements. By somebody's standards, she was "unadoptable." When our child came to us, she had to adjust, and we had to adjust also. But now she is doing well. She has got some things to go through yet, but with our love and the support of our church, where she is a member with us, we have great expectations for her.

I am saying to you that if we just tell the story, that African American adoptive families are needed, we can make a difference in the lives of African American children who are in foster care waiting for adoptive families.

Today I am here to tell how my organization, the One Church, One Child program, is making a difference for African American children who are waiting for adoptive families.

One Church, One Child is a national minority adoption recruitment program designed to find adoptive homes for African American children. The program was founded in 1980 by Father George Clements, pastor of Holy Angels Catholic Church in Chicago, IL. One Church, One Child offers a simple challenge to every black church in America: If one African American family in every African

American church will adopt an African American child, there will be no black children awaiting permanent homes.

The Virginia One Church, One Child program was born out of the State's black adoption recruitment campaign which began in 1985. It has a contract with the Virginia Department of Social Services to recruit African American families to adopt African American children in the custody of local departments of social services.

The One Church, One Child program in Virginia is managed by a multiecumenical board of 15 ministers and has 400 participating churches. Five regional coordinators are under contract by the program to recruit adoptive families and to educate the community about One Church, One Child throughout the State. In addition to making presentations in local area churches, One Church, One Child recruitment activities include an annual conference that is attended by social work professionals and adoptive parents, workshops on cultural sensitivity and accessing the African American community and church, and child-specific recruitment for children who are challenged by their particular special needs.

Presentations are also made to other organizations that are known in the African American community, such as the State conferences of the National Association for the Advancement of Colored People.

On yesterday, the NAACP at its national convention in Indianapolis reaffirmed for the second time their stand against transracial placements.

The One Church, One Child program in Virginia began as a grassroots volunteer endeavor. As a result of its reputation and reliability in recruiting prospective African American adoptive families, the organization grew. It has now become a household name in the State's adoption network. The initial annual funding for the organization was \$12,000. Today, the budget is \$105,000 of State funds.

Based on Virginia Department of Social Services statistics, in March 1993, there were 6,133 children in foster care. Of this number, 51 percent were African American. Of the number of children in foster care, 412 had adoptive rights terminated and were not in an adoptive placement; 62 percent of this number were African American children.

One Church, One Child has something to offer the State. We are helping the African American community understand that these children are waiting for homes. A 1991 Adoptive Resource Exchange of Virginia report has these footnotes about the State's adoption recruitment: There were 172 families in the photo listing book of waiting families, 113 white and 59 African American and mixed-race families. The smaller number of African American families, 33 percent, compared to white families, 66 percent, reflects the high demand for African American families. Many of these families received placements without ever being listed. Sixty-five percent of the African American families listed with the Adoption Resource Exchange had an average wait of less than 12 months for an adoptive child.

For example, of the 1,951 inquiries in fiscal year 1990-91, 753 were generated after the One Church, One Child fifth annual con-



ference. In fiscal year 1990-91, 2,590 adoptions were finalized in Virginia; 991 were nonrelative adoptions. Summary information provided by agencies, public and private, contracted by the State to provide home study services for families showed that 100 to 150 of the annual nonrelative placements are a result of recruitment through the One Church, One Child program.

Our position is that we want our children to be with families of the same race, and we can find families for these children.

Prior to implementing the legislation that would encourage multiethnic placement of children, consideration should be given by Congress to providing financial incentives to encourage States to implement concentrated recruitment efforts geared toward minority communities such as the examples that are funded in Virginia.

I see my time is up.

Senator DODD. That's all right, Reverend. Do you have any additional comments you'd like to make?

Reverend TALLEY. What I'd like to say is that for years, the myth existed that African American families did not adopt. The myth has been proven false through concentrated efforts by agencies and organizations such as One Church, One Child that are culturally focused and culturally sensitive. With the initiation of recruitment efforts geared toward the African American community, African American families have responded in record numbers.

It is our contention that transracial adoption is not the issue. It is the availability in the pool of potential adoptive parents of African American families. It is our hope, therefore, that concentration will be given and certainly that a concerted effort will be given to trying to recruit more African American families not only for adoption but also for foster care family situations.

Thank you very much.

[The prepared statement of Reverend Talley follows:]

#### PREPARED STATEMENT OF REVEREND WILBERT TALLEY

##### INTRODUCTION

Chairman Dodd and members of the committee, thank you for this opportunity to testify before you today. I am Wilbert Talley, the minister of Third Union Baptist Church, in King William, VA; and assistant to the president of Virginia Union University in Richmond, VA.

I am here today in my capacity as president of the One Church, One Child Program in Virginia, I am one of five vice-presidents for the National One Church, One Child Program (a body with representatives from 36 States) and I am an adoptive parent of a 17-year-old African-American daughter. She is the youngest of my four children.

When my wife and I adopted our daughter, she was 9-years-old and had been in several foster home placements. By somebody's standards, she was "unadoptable." When our child came to us, she had to adjust, we had to adjust. But now, she's doing well. She's got some times to go through, but, with our love, and the support of the church where she is a member with us, we have great expectations for her. I am saying to you, if we just tell the story, that African-American adoptive families are needed, we can make a difference in the lives of African-American children who are in foster care, waiting for adoptive families.

##### OBJECTIVE OF PRESENTATION:

Today, I am here to tell how my organization, the One Church, One Child Program is making a difference for African-American children who are waiting for adoptive families.

## DESCRIPTION OF THE ONE CHURCH, ONE CHILD PROGRAM AND FUNDING

One Church, One Child is a national minority adoption recruitment program designed to find adoptive homes for African-American children. The program was founded in 1980 by Father George Clements, Pastor of Holy Angels Catholic Church in Chicago, IL. One Church, One Child offers a simple challenge to every Black church in America: "If one African-American family in every church will adopt an African-American child, there will be no Black children awaiting permanent homes."

The Virginia One Church, One Child Program was born out of the State's Black Adoption Recruitment Campaign which began in 1985. It has a contract with the Virginia Department of Social Services to recruit African-American families to adopt African-American children in the custody of local department of social services. The One Church, One Child Program in Virginia is managed by a multi-ecumenical board of 15 ministers and has 400 participating churches. Five regional coordinators are under contract by the program to recruit adoptive families and educate the community about adoption throughout the State.

In addition to making presentations in local area churches, One Church, One Child recruitment activities include an annual conference that is attended by social work professionals and adoptive parents; workshops on cultural sensitivity and accessing the African-American church; and child-specific recruitment for children who are challenged by their particular special needs. Presentations are also made to other organizations that are known in the African-American community such as State conferences of the National Association for the Advancement of Colored People (NAACP).

On yesterday, the NAACP at their national convention in Indianapolis, reaffirmed for the second time their stand against transracial placement.

The One church, One Child Program in Virginia began as a grassroots, volunteer endeavor. As a result of it's reputation and reliability in recruiting prospective African-American adoptive families the organization grew. It has now become a household name in the State's adoption network. The initial annual funding for the organization was \$12,000, today, the budget is \$105,000 (State funds).

## VIRGINIA STATISTICS

Based on Virginia Department of Social Services statistics, in March 1993, there were 6,133 children in foster care. Of this number 51 percent (3,149) were African-American. Of the number of children in foster care, 412 had adoptive rights terminated and were not in an adoptive placement. Sixty-two (62 percent) percent of this number were African-American children.

## HOW ONE CHURCH, ONE CHILD MAKES A DIFFERENCE (SUCCESS OF THE PROGRAM)

One Church, One Child has something to offer the State. We are helping the African-American community to understand that these children are waiting for homes. A 1991 Adoption Resource Exchange of Virginia report has these footnotes about the State's adoption recruitment:

—There were 172 families in the photo-listing book of waiting families; 113 White and 59 African-American and mixed race families.

The smaller number of African-American families (33 percent) compared to White families (66 percent) reflects the high demand for AA families. Many of these families receive placements without every being listed. Sixty-five percent of the AA families listed with the Adoption Resource Exchange had an average wait of less than 12 months for an adoptive child.

For example, of the 1,951 inquiries in fiscal year 1990–91, 753 were generated after the One Church, One Child Fifth Annual Conference. There is a direct correlation between the number of inquiries on the toll free line and recruitment awareness activities generated by the One Church, One Child Program.

In fact, the pattern of calls tracked on the toll free adoption information line show an increase of over 45 percent for each year tracked.

—In the fiscal year 1990–91, 2,590 adoptions were finalized in Virginia, 991 were non-relative adoptions. Summary information provided by agencies, public and private, contracted by the State to provide home study services for families show that 100–150 of the annual non-relative placements are a result of recruitment through the One Church, One Child Program.

## ONE CHURCH, ONE CHILD POSITION ON SAME RACE PLACEMENTS

Our position is we want our children to be with their own families and we can find families for these children.



Prior to implementing legislation that would encourage multiethnic placements of children, consideration should be given by Congress to providing financial incentives to encourage States to implement concentrated recruitment efforts geared toward minority communities such as the example that is found in Virginia.

—For years, the myth existed that African-American families did not adopt.

—this myth has been proven false through concentrated efforts by agencies and organizations, such as One Church, One Child, that are culturally focused and culturally sensitive.

—with the initiation of recruitment efforts geared toward the African-American community, African-American families have responded in record numbers.

—Statistics indicate that most children in foster care have special needs—these needs result from physical and mental disabilities, as well as from emotional disabilities resulting from life experiences of neglect and abuse.

—Statistics further indicate that most special needs children are adopted by their foster parents.

—unfortunately, the number of African-American foster families available to accept children is significantly lower than the number of children in foster care.

—in Virginia, there were 6,133 children in foster care in March, 1993. Of these, 3,149 were African-American.

—during that same time frame, there were only 1,692 African-American foster families, as compared to 2,487 white foster families.

—thus, the number of same race foster families available to African-American children is significantly less than the number of same race foster families available for white children.

—this paucity of African-American foster homes contributes to the issue of transracial placements.

This year, the One Church, One Child Program in Virginia is seeking funding to expand the adoption recruitment model to include foster care recruitment. If funded this will increase the pool of AA foster parents which will reduce the possibility for transracial placements based on attachments.

#### CLOSING

I am saying to you, if we just tell the story, we can make a difference for African-American children who are waiting for adoptive families. When you bring the State's resources and the church's resources together, there is no limit to what we can do that is in the best interest of each waiting child.

# Let's Talk Adoption



The newsletter linking adoption advocates and families.

November, 1991

## My Children Added More To My Life Than I To Theirs

by Lyndell Leuts



Ginny and Michael

Virginia Walden is a forty-year-old, single mother of Michael, 22, Miashia, 14, and William, 9. For fifteen years, she has been financial manager for Sister Cities International, a business that links US cities with cities in other countries for cultural exchanges. Ginny, as she is called, is a long time spokesperson and advocate for minority adoption. She and her family were featured in the first information pamphlets used in the state's 1985 "Claiming Our Own Through Adoption Campaign." For Adoption Awareness Month, focused on reunions, Ginny readily agreed to let us revisit and update her adoption story.

### November is Adoption Awareness Month

#### Inside:

- One Church, One Child, New Initiatives
- Guidelines To Help Build Relationships With Teens
- Adoption Month Activities
- Interstate Compact

Q: "Ginny, what do the kids hate for people to say about them?"

"They hate for people to talk about their adoption as if they are different. At an airport once, a family friend came up to my father and said, 'Oh, are those Ginny's adopted kids?' My father said, 'These are my grandchildren.'

Q: "When I write the article, what don't you want me to say?"

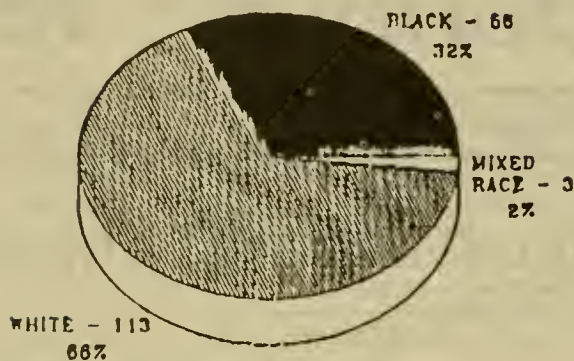
"Don't say that I am wonderful. That it was wonderful of me to adopt three children. My children have added far more to my life than I will ever add to theirs. You see, I believe in my heart that whatever good my children were going to do in life, it was going to happen for them with or without me."

"Take Michael, for instance. When I adopted him, he was 13 years old going into the 6th grade. He had been in foster care since age 2. He was a good student. After his adoption, however, he began to excel.

(continued on page 2)

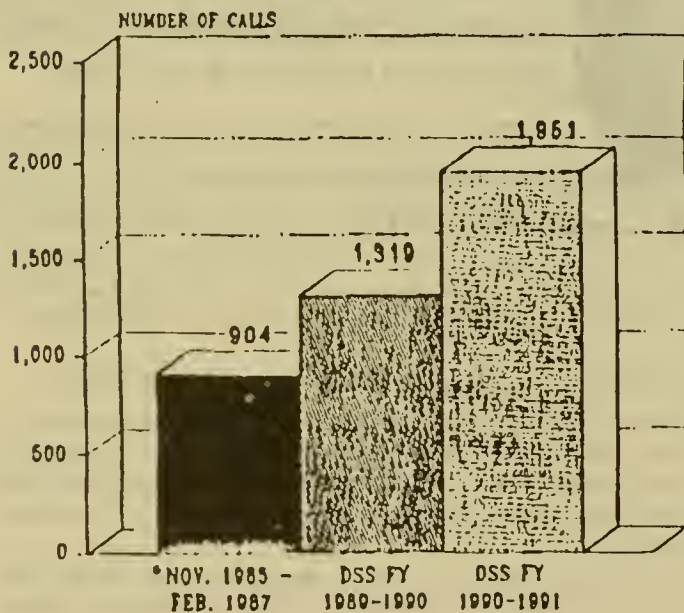


Profile of Families In Areva Photo Listing  
Total Number of Families Listed = 172



Source: Adoption Resource Exchange Photo Listing of Families

Areva Inquiries  
1-800 LINE



Source: C & P Telephone

(\*Beginning period of the state Black adoption recruitment campaign: Claiming Our Own Through Adoption)

Areva Footnotes:

- Waiting Children:  
78% are six and over  
21% are disabled  
21% are part of a sibling group (17% Black, 4% White)
- Recruitment must focus on the older child and the child with disabilities. While younger children wait less time for families, these children wait and wait.

- The smaller number of Black families (33%) compared to White families (66%) reflects the high demand for Black families. Many Black families receive placements without ever being listed.
- There is a correlation between the number of inquiries on the 1-800 line and recruitment awareness activities generated by the One Church, One Child Program. For example, of the 1951 inquiries in FY 90-91, 753 were generated after the One Church, One Child Fifth Annual Conference.
- These combined on-going recruitment initiatives create placement opportunities for the waiting children: One Church, One Child Program, Wednesday's Child (Tidewater TV viewing area), Children In Crisis (Richmond TV viewing area), other television shows, newspapers, fliers, National Adoption Exchange, and adoption parties.

Senator DODD. Thank you very much, Reverend.

Joe.

Mr. KROLL. Thank you, Senator Dodd.

In many ways I have dreaded this day for 4 years. Since the first opportunity I had, Senator Metzenbaum, to speak with you about this issue, I feared that this legislation would be introduced. I have appreciated that dialogue, and I know that we have shared information and agreed to disagree on this issue. I respect the time and effort that you are spending on this and the work being put in for children.

I must say, though, that I think the issue is framed incorrectly. The issue has been framed, tragically, in this country by the media. The media has focused on the removal of black foster children from white foster homes. It has been a great disservice to African American families, Native American families and Hispanic children and families.

The controversy always centers on young children in white homes. It always centers on young children in white homes. And if we were to look at the real issues in the case, I think that there are more important issues that we have to consider.

My colleagues on the second panel identified a lot of barriers in the system. I believe that the major barrier to getting children out of the system is the combination of the courts and the social service systems not working to terminate parental rights. That is the issue. I don't think it has a lot to do with race. I think it has a lot to do with two systems that do not talk to each other; attorneys, who have to win cases, and social workers, who try to bring people together. They don't work very well together, and kids stay in foster care, and the population has boomed.

There are a lot of kids who could be placed for adoption, a lot of kids who could be adopted by their foster families. And if those foster families are white, and the children are black, they should be adopted by those white foster families.

In our organization, we believe strongly that children should not be moved, and I want to say that very clearly. However, I feel that I must speak for the large population of black and Hispanic families for whom no one speaks. There are not attorneys suing agencies for the rights of those families to have access to black and Hispanic children. In our study, which you have a copy of, "Barriers to Same Race Placements," we documented that most minority infants are placed through private agencies that do not specialize in the recruitment of minority families. These are the white owned and operated agencies like Sydney Duncan spoke of—not those words, but they are white agencies with black children and white adults as their clientele.

These private agencies in our study placed 50 percent of their minority infants transracially. So the fact in this country is that transracial adoption, as in my family and in most white families who are involved in adoption, has occurred. It is not an exception; it is the rule.

What we also found in the study besides racism, cultural diversity problems, was that fees was the overriding barrier to black and Hispanic families accessing their children. I also share with you in my testimony on page 3—and I put another copy in—in



large, bold print an ad that showed up in the State of Texas that advertised children by race and by price. Black children were \$7,500; Anglo-Black children were \$9,000, and Hispanic babies were \$10,500 plus. This is an actual ad, and the agency—although they are very mad at me for sharing this information—does admit that they do it that way.

In our study, we found that there was a large pool of transracial adoption agencies that had infants, black and Hispanic infants, and they placed 90 percent of those infants in white homes. And it was a business. One of the quotes in my testimony: "Adoption is like any other business. You look at what your needs are, your overhead, and your salaries, and then you set your fees accordingly."

We have no way to gain access for black and Hispanic families to those agencies because economics is a major barrier.

What we need to find out is how many minority families drop out of the adoption process and why. We know that One Church, One Child recruits families across this country, but when they go to the agencies to try to adopt, they cannot get in the door. We know that occurs, and that is why One Church, One Child recruitment programs are setting up One Church, One Child placement programs. That is the only way to go.

How can specialized agencies eliminate fees as a barrier to successfully placing minority infants with families of the same race? They do it all over this country. Sydney Duncan does it. Zena Oglesby does it. In Washington they have done it. But yet we have agencies that do not do it. Somehow, we need to bring those agencies into the mainstream of the minority community. That has not occurred.

On the issue of children entering the foster care system—and I am going to run out of time—we really have to document the number of minority children in the foster care system, how many are with same race foster homes and with white foster homes. We don't know that, and what we see are the sensationalized cases like the tragic case in Minnesota where children were moved in large numbers from white homes into black homes; some went back to relatives, some went back to their birth families. But it was done almost overnight as a result of a reaction by the public agency. That shouldn't go on, and we all agree. But we want to know why weren't there black foster homes or relatives found in the first place.

Senators, when we allow the media to sensationalize a few tragic transracial adoption cases, we do waiting children in this country a vast disservice. We need to keep our focus on children languishing in foster care, waiting for permanent homes. We need to construct a new child welfare system that works regardless of race. We must keep our attention and the media's focus on finding families for children. We must also continue to advocate for better understanding of the dynamics that keep qualified families of color from serving as foster or adoptive parents to children of their race.

Finally, I'd like to make a comment on the current Office of Civil Rights policy. I believe that the legislation as proposed is a repeat of that policy. And when you take a careful look at the policy, as I have done over the years, it appears in fact that the only real protection afforded anyone through the U.S. Office of Civil Rights is

to protect adults with children in their care from inappropriately removing them from their care solely because of race.

I ask: How many times has this provision been enforced to protect the rights of a black family caring for a white child? Where are the legal protections for a child of color to guarantee that his or her cultural identity is maintained?

Every year at our conference, we see children, young, black children with white families, and there are black families at our conference asking, "Why couldn't we have adopted that child?" It happens every year, because those children move out of the State of Texas, to name one, and into Minnesota and Wisconsin and Michigan. It is an economic pipeline.

Where is the protection for the African American family who wants to adopt a healthy black infant and is told it will cost \$7,000? In the case of race and adoption, the Office of Civil Rights currently only protects the interests of white adults.

Thank you.

[The prepared statement of Mr. Kroll follows:]



## Prepared Statement of Joe Kroll

Chairman Dodd and members of the committee, thank you for this opportunity to testify before you today. I am Joe Kroll, executive director of the North American Council on Adoptable Children. I represent a large national network of adoptive parents of special needs children

As Executive Director of the North American Council on Adoptable Children (NACAC), I have participated in the debate around the validity of same race adoption policies for over ten years. In my opinion the debate has been incorrectly framed. Without a broader perspective this debate is a disservice to African-American, Native American, and Hispanic children and families.

Unfortunately, the media presents this issue as one solely of race while failing to expose the negligence of the system whose institutional practices cause these heart-wrenching cases. Critical information which impacts these cases is generally omitted from these reports and instead attention is focused exclusively on situations in which black toddlers and infants are removed from white foster families responsible for their care for extended periods of time. Media reports also fail to examine the viability of finding same race homes for America's children of color and homes for all waiting children, and the fact that thousands of families of color are denied access to children.

Listen carefully to the rhetoric of transracial adoption discussions. Very seldom does the debate focus on who can or should adopt older waiting children with special needs. Controversy almost always centers around infants and young children who, by virtue of their youth, are deeply desired by thousands of prospective parents. Scant attention is paid to the agencies which view infants as an economic commodity, more valuable because of the demand. There are currently thousands of older children of all races in foster care waiting to be adopted, for whom adoptive families must be rigorously recruited.

Most children languish in foster care because of the disarray in that system, not because workers are trying to place children with families of the same race. Since 1986, the foster care population has exploded from 276,000 to 450,000, but the number of children legally freed for adoption has remained almost constant, increasing only from 30,000 to 35,000. Children simply are not legally free for adoption because the child welfare and court systems do not move in a timely fashion to free children for permanent adoption. The Center for the Study of Youth Policy at the University of Michigan, in its ten year study of foster care, has found that infants have the lowest probability of achieving permanency in comparison to all other age groupings.

I think most adoption professionals would agree that a child who has been with a foster family for four years should not be removed simply because of racial matching policies. We at NACAC are on record as supporting single placements for children. In other words, foster homes should become adoptive homes if/when children become legally freed for adoption. Moreover, as the white adoptive father of a Korean daughter, I know that it is possible to raise a child of another race in a culturally sensitive manner, though I will never experience the racism she does.

However, race cannot be ignored when searching for a child's permanent family simply because it's easier for white middle class agencies to locate white middle class homes. Families of color are systematically denied access to children of their community through a combination of racist and economic barriers. Efforts to promote same race adoptions need to be supported. It is in the best interest of waiting children to avoid erecting additional barriers.

The adoption system is far more complex than the one described by the media. When discussing the needs of African-American, Hispanic, and Native American children with a plan of adoption, it appears necessary to divide the children into three distinct categories: 1. healthy infants, 2. young children entering the foster care system and 3. older waiting children.

1. *Healthy Infants*-relinquished at birth (usually to private adoption agencies or attorneys).

For these children, NACAC's *Barriers to Same Race Placement* research brief (summarizing the results of a survey of 64 private and 23 public child placing agencies in 25 states in 1990), indicates that:

- Most minority infants are placed through private agencies that do not specialize in the recruitment of minority families.
- Private agencies generally place 50 percent of their minority children transracially.
- Adoption fees are a major barrier preventing minority families from fully participating in the adoption system, most notably private adoption.

Transracial agencies that place over 90 percent of their Black and Hispanic infants in White homes, distinguish themselves because of their almost consensual treatment of adoption as a "business" that, like most other economic endeavors, revolves around the fundamental forces of supply and demand. As a worker at one of these agencies plainly stated during an interview for the *Barriers* study, "Adoption is like any other business...you look at what your needs are--your overhead, your salaries...and then you set your fees accordingly."

As a more startling example, below is a copy of an actual ad seeking adoptive families for children of color. Clearly fees were dictated by skin tone and the high cost would deter many prospective African American, Hispanic and Native American families.

This ad is not an isolated example. In our research brief *Barriers to Same Race Placement* we identified a group of eight agencies that specialized in transracial placement of infants. Ninety per cent of their children of color were placed with white families. In fact the fees charged in this ad are not outrageous, the fees charged by the eight agencies mentioned above averaged \$9562, with one agency receiving \$20,000 per child.

| ADOPTION AGENCY IN SAN ANTONIO NEEDS FAMILIES IMMEDIATELY FOR...  |                         |
|---|-------------------------|
| <u>DESCRIPTION</u>  | <u>FEE</u>              |
| 3 FULL BLACK BABIES   | FLAT FEE OF \$7,500     |
| 2 ANGLO/BLACK BABIES  | FLAT FEE OF \$9,000     |
| 1 FULL HISPANIC BABY  | AGENCY FEE OF \$10,500+ |
| ALL BABIES ARE DUE TO BE BORN BETWEEN NOW AND END OF THE YEAR. ALL FAMILIES WILL BE CONSIDERED. FOR MORE INFORMATION, CALL: |                         |
| ELEANOR GRAY OR LAURIE LOWE<br>ALAMO ADOPTION AGENCY<br>(512) 226-4124  |                         |

Interstate placements, particularly Black children from the south going to all white towns in northern states because these parents can pay the fee, raise another concern. Are the best interests of the child and any chance for establishing racial identity being lost in favor of collecting fees?

### Research Needed

Before new laws are proposed, research must be done to help identify systemic child welfare barriers to permanency. We need answers to questions such as:



- How many minority families drop out of the adoption process and why?
- How can specialized agencies eliminate fees as a barrier to successfully placing minority infants with families of the same race?
- How can we transform white-dominated organizations into agencies that are increasingly dedicated to serving minority communities?

**2. Children Entering the Foster Care System at an Early Age**--children whose parental rights remain intact for several years but who are eventually freed for adoption, and who are often adopted by foster parents.

Children entering the foster care system at an early age raise another set of issues. Typically, these children remain in foster care for a number of years before parental rights issues are resolved. When they are eventually freed for adoption they are often adopted by their foster parents, which NACAC heartily supports.

Minority children are frequently placed in white foster homes because agencies continue to make few or misguided efforts to recruit minority foster families. When minority families are located, they are not always utilized. Moreover, foster home resources are frequently located outside the communities from which foster children come. We need to work toward a community-based foster care system that relies on extended families and resources within the children's communities of origin. Children also remain in foster care for a number of years before parental rights are terminated because of case backlogs in the welfare and court systems.

#### **Research Needed**

Despite the mandates in P.L. 96-272, adequate statistics have not yet been gathered. Before changing laws we must:

- Document the number of minority foster children placed transracially.
- Identify common social work practice issues impacting transracial placements.
- Highlight projects that successfully recruit minority foster families.
- Set up a community-based foster care system that relies on extended families and resources within the child's community of origin.

**3. Older Waiting Children**--children who have drifted in and out of foster care, experienced multiple placements, and have limited adoption resources available to them.

#### **Research Needed**

Before writing redundant legislation which mirrors existing HHS regulations, additional research is needed. We must:

- Document the level of interest in adopting these children through a comprehensive survey of state and regional adoption exchanges.
- Find out if we are recruiting the right families.
- Determine if these families are being offered adequate ongoing support.
- Find out why these children have remained in foster care for so many years.

No child should wait for an adoptive home. But we will only begin to attain this goal when we recruit the many potential adoptive families and provide sufficient post adoption resources to maintain permanency. **The issue of same race placements must not be allowed to mask the more difficult issues of logjammed agencies and courts.**

*Senators, when we allow the media to sensationalize a few tragic transracial adoption cases, we do waiting children in this country a vast disservice. We need to keep our focus on children languishing in foster care waiting for permanent homes. We need to construct a new child welfare system that works regardless of race. We must keep our attention, and the media's focus, on finding families for children. We must also continue to advocate for a better understanding of the dynamics that keep qualified families of color from serving as foster or adoptive parents to children of their race.*

[Editor's note--The booklet supplied by Mr. Kroll entitled "Barriers to Same Race Placement" is retained in the files of the committee.]



Senator DODD. Thank you.

I will turn to Senator Metzenbaum. It is his bill, and you have all had some provocative things to say, so we'll begin the questioning with him.

Senator METZENBAUM. Let me get something straight. We have three different organizations speaking here, actually. Mr. Pierce, what is the National Council for Adoption?

Mr. PIERCE. The National Council for Adoption, Senator, is a national, nonprofit organization which has members who are not-for-profit agencies as well as public departments as well as individuals. There are varying kinds of memberships.

We are an advocacy organization, a research organization, a publishing organization. We have been around since 1980, and we care about the whole spectrum of adoption. We see ourselves as advocates for all adopted kids as the number one priority.

And I respectfully disagree with a great deal of what my colleague Mr. Kroll has said. He talks about the media focusing only on these issues, when it should be young children. That is simply not true. He talks about attorneys not suing on behalf of other families. That is not true. He uses the word "owned" to describe private agencies when he knows very well that most of the agencies are voluntary charitable agencies with nonprofit boards of directors. He talks about fees being a barrier when he knows very well, as I do, that there is no magic to why some black agencies don't charge any fees. The public agency is paying the bill, and the public agency decides what agencies they are going to pay the bill for. We have all kinds of agencies all across the country, in Connecticut, in Ohio, and all across this country, that would love to be able to serve children for no fee, but they cannot magically get it without any money. And the agencies that are getting the money are the favored few.

Mr. Kroll talks about a money pipeline. There is a money pipeline that sends children from minority programs in the Midwest to black agencies on the coast, because that agency gets more money from the home State than the minority agency—the voluntary agency—in that own State would do.

Mr. Kroll talks about no way to gain access to agencies. Frankly, we have heard the same complaints about agencies—and they are not without their problems—for 20 years. We have had 20 years of public funding, and a lot of the reason why we still have the problems is that the people who are running some of the Federal programs, people who are on the staff of some of the Federal programs, haven't even read the research, which proves that this is the case.

Mr. Kroll talks about protecting white adults. Frankly, the fact is that the American Civil Liberties Union and the U.S. Office of Civil Rights have sued State after State for their racial discrimination policies, and I don't think either one of them can be fairly characterized as only protecting the interests of white adults.

Finally, when we talk about what is wrong, I have to give you an example, Senator, from the State of Ohio. In the State of Ohio, they have had a recent task force appointed by Republican Governor Voinovich, that task force in order to try to find more families suggests that the State review its rules regarding felonies to

facilitate adoptions for African American families. In other words, gee, if you're white, if you look like Senator Dodd or Senator Metzenbaum or Bill Pierce, you have to meet certain standards; but for African American children, well, let's review the felony rules. Maybe it is okay for a felon to adopt a child. Better a black felon than a white person.

We have such a problem in this country, and there is an ugly, ugly secret of racism; there is an ugly secret of institutional turfdom that is going on here. That is what is at the bottom of the problem, and that is why I hope that your important bill, Senator, will be passed.

In terms of my colleague here from Homes for Black Children, you know, for several years, Reverend Clement, the founder of that organization, was on our board of directors. And he said that a black home is better than no appropriate family. In terms of the NAACP, I think that is tragic. It does not reflect, I contend, what most black Americans feel. I have been involved with NAACP as a lobbyist and a volunteer for almost 30 years, and I can guarantee you that that isn't what rank-and-file NAACP members believe.

That kind of racism, that kind of refusal to see this country as one big rainbow coalition that can care for children, is from the 1930's. Remember the old movie, "Showboat," where if you had one drop of black blood, you couldn't marry someone who was white? We've now got the flip side, and the new racists are insisting on racial separatism that may someday end up in this country having the same kind of bloodshed and horror that we see in Bosnia.

We need to bring people together; we don't need to separate them. And any delay in your bill simply separates children from the one thing we want them to have, and that is a good family. And we are saying fine—racially matching families first, but if not, don't play the race game, don't play the ethnic card, don't try ethnic cleansing in this country. We won't stand for it, and neither will our Constitution.

Senator METZENBAUM. Mr. Kroll.

Mr. KROLL. I feel like I'm on "Crossfire," or whatever that show is on CNN—except you get to talk back and forth a little more directly.

Senator METZENBAUM. First, tell us what your group is.

Mr. KROLL. The North American Council on Adoptable Children was formed by adoptive parents in 1974. That was the basis for the formation of the group. It was formed because parents who had adopted children of different races self-identified themselves as needing support. And for many, many years, we were primarily a white parent, multiracial child organization. We have recently expanded our board in the last 8 years, and now 40 percent of our board members are people of color.

As I mentioned earlier, all of our white adoptive families have adopted transracially—every one of them. And I think it is important—

Senator METZENBAUM. And is it the policy of your board that these parents who adopted transracially now have reservations about the propriety of that?

Mr. KROLL. Well, it's not the policy of the board, but I will say that what we try to do within our organization is to support fami-



lies that have adopted transracially. We do that all the time, in all of our programs. So we provide support to those families. But at the same time, we say that families of color need to have access to children of color. And they do not have the access that Bill is talking about.

Senator METZENBAUM. I totally agree with that. In fact, I have no problem at all. I think Bill makes it quite clear there is a preference.

What concerns me about your position, Mr. Kroll, is that you say you represent a group of white parents who have had transracial adoptions. And then I look at your material, and this is what I read: "Before new laws are proposed, research must be done to help identify systemic child welfare barriers to permanency." And then we need to answer to this, that, and something else. And then, "Despite the mandates in P.L. 96-272, adequate statistics have not been gathered. Before changing laws, we must document the number of minority foster children placed transracially, identify common social work practice issues impacting interracial placements, highlight projects that successfully recruit minority foster families, set up a community-based foster care system that relies on extended families," and so on.

And then down further, "Before writing redundant legislation which mirrors existing HHS regulations, additional research is needed," and then you have four items that we must do there.

Now, Mr. Kroll, I'm 76, and I am getting out of here in 18 months. I can't possibly do everything you want done in those 18 months—and neither can you or anybody else. But I can only say to you that there are a hell of a lot of kids out there who are wanting to be placed with some parent, and they need it, and we have an obligation. And you give us an idea of statistical research and studies, and that maybe we ought to have a congressional investigation—I don't know. So Mr. Kroll, yesterday was too late as far as I am concerned, and I am concerned that this group—I guess you said your group was originally formed by white families with African American children—that this group now wants to do all these studies. I can't believe your board ever made such a resolution. I can't understand it. It is incomprehensible. I'd like to meet with your board and ask, how the hell could you come to this conclusion? Are you dissatisfied with the kids you have adopted?

Mr. KROLL. No, no, they are not dissatisfied. I am not dissatisfied with the child that I adopted. I think the point is that we have raised our children to the best that we can do, but we know that in a racist society, we have not provided them with all the tools to survive that a family that experiences the same thing on a daily basis—an adult who experiences the same thing on a daily basis—can do.

And Senator, if I could trade with you today, I would trade complete access to all older children of any race by families of any race to all younger children—and I am talking about those black and Hispanic infants—if you could give me assurances that black and Hispanic families had access to those black and Hispanic infants.

Senator METZENBAUM. I am willing to write it any way you want. I don't have any problem with that. I make it very clear in my statement that if we try to write it in the legislation, yes, it should

be a major consideration. If the black family does not happen to be appropriate as an adoptive parent, of course, the court should not approve it. But all other things being equal, I would accept the fact that same race adoptions make good sense.

Mr. KROLL. They don't get in the door.

Senator METZENBAUM. Pardon?

Mr. KROLL. The families can't get in the door.

Senator METZENBAUM. Well, while we are waiting, the kids are paying the price.

Mr. KROLL. No, those children are not paying the price. Those children are placed with white families; they are placed immediately with white families.

Senator METZENBAUM. No; I'm talking about the fact of all the black children who are sitting out there in foster homes. Look at the increase in the number of foster children within the past few years. The chairman mentioned that in his opening statement. What I am saying is that maybe some areas ought to be explored more, but let's go forward and take care of these kids. One day's delay is too much delay. And I would just like to get you onboard as an organization that was formed by parents of transracial adoptions—and you are one of them. To have you come here and indicate some concerns, and studies, and this and that—I am through with studies. I want some action.

In 1985, we conducted the same kind of hearing, and now it's 8 years later, and nothing has happened. You can talk all you want about additional recruitment of black parents in order to make the adoptions. I'll help you. I'll do anything you want. I'll help you get a public service announcement. But let's not hold up. We need to go forward in this area.

And I would just say to you that I am so disturbed that you, a transracial parent, would be here somewhat opposing future transracial adoptions.

Mr. KROLL. We do not oppose transracial placements, but what I am saying, Senator, is that that is not the critical issue when you look at the children in foster care. The critical issue of children in foster care is because they cannot get out of the system because termination of parental rights doesn't occur in this country. They do not become relinquished for adoption.

Senator METZENBAUM. I understand that point, and that is a different issue, and perhaps it is one we ought to give our attention to. I'm not sure it is a Federal issue. I think it is more of a State issue. But the point is let's not delay and do an injustice to these children.

Reverend, would you care to comment on this dialogue?

Reverend TALLEY. Yes. I was wondering whether I would get a chance to.

Senator METZENBAUM. You are the referee.

Reverend TALLEY. You know, the appeal to what I consider to be more global virtues about the possibilities of what ought to be and what ought not to be—they are all fine. But I work with grassroots people. On a daily basis, we are involved in dealing with families and with individuals who run into frustrations and problems of trying to even get into the system and getting through the door to the



adoptive process, and facing the kinds of barriers that stand in their way.

To say that the emphasis on trying to get black parents and the concerns that we have for same race placements represents racism, I think it is a mistake to apply that kind of definition to what it is we are concerned about. We have come a long way in the past 20 or 30 years with reference to adoption, but many of the basic barriers are still there. Many of the frustrations are still there.

When I travel in Virginia and go out into other parts of the State, I hear this echoed from representatives from other States. We are still facing cultural insensitivity. We are still facing persons who are not aware professionally of what it means to be an African American in this country and do not understand the problems.

What we shift to when we start saying that that is racism is that we fail to understand practically and in practice and in procedure and process that you still have evidence of the same kinds of problems that we were facing years ago. And that is where we have a concern. That is why a concerted effort has to be made to recruit the families.

I think the consensus of what has been said and what we keep hearing is that no one is opposed, in the final analysis, to transracial adoption. But if on the one hand, you are saying let's go forth with transracial adoptions, and on the other hand, you are not making the efforts to recruit the families, it seems to me that you are simply encouraging what has been a problem over the years. And that is where our fundamental concern is.

I talk to people on a daily basis, they call our offices, and they relate to us the kinds of problems and frustrations that they run into. So, while on a global issue of what is good and what is perfect in a perfect society sounds fine, we have to go through what we consider to be the problems that we face on a day-to-day basis. When you go before the workers, or you go through the public institutions, when you deal with individuals who, by virtue of their insensitivity for whatever reason, do not help to facilitate you through the system, that is a real concern. And as we continue to talk about even your bill, I think the concern is that somewhere in the midst of whatever is proposed, there needs to be added to it some assurances that the best possible effort has been made prior to actually going through with the transracial adoptions.

That is the thing we keep wanting to hear—what are the best possible efforts. If you say the black families are not there, we are saying yes, they are. If you say that they are not available, we are saying they are. We just have to be able to have the opportunity to make it possible for them to get through.

If this bill goes through, my fears and concerns about it—and not in disrespect to you, sir—but my fears and concerns about it are that it will simply give license to the continued practice that we have been facing over the years. Persons don't make the effort, and when they don't make the effort, they feel perfectly justified, particularly when it is backed up by law, to proceed.

Senator METZENBAUM. Who should make the effort? Who should make the effort—Government? Is that what you are saying? You are doing a wonderful job, Reverend, and I commend you. I think you are doing a magnificent job with One Church, One Child, as

I understand the emphasis you have tried to make throughout Virginia. I think it is a fantastic program. But when you say there ought to be more effort, I have heard that. The music has been played. But now that we are at a point where there are more and more foster children, there are more and more black children in the foster homes, less and less caring parents, certainly, foster parents do not provide the same kind of care and love and direction to a family that actual parenting provides, and it is not enough—it is not enough to say we ought to be doing more. The fact is you are trying, but I can't do more; I don't know who can do more. You can't pass a law and say there has to be more done. So I don't know what you are asking us to do.

Reverend TALLEY. I guess the concern I have, again—in fact, I know it is—is what are the measurable indicators that the best effort has been made to recruit the families. I don't think that any legislature—and, of course, forgive my ignorance about this—but I don't think there is any legislature that identifies what you might consider to be a reasonable effort in terms of what needs to be done to ensure that at least the effort has been made to recruit the families. I don't know of those kinds of legislatures. I keep hearing about that's the best thing, and we all agree to it, but what would be the measurable indicators that that best effort has been—

Senator METZENBAUM. Reverend, if you could tell me some way that I as a legislator can do something more to encourage more and more families of color to be interested and involved in adopting, I am receptive. I am not against you. I am for you. But absent that, what concerns me is the child.

Reverend TALLEY. Senator, what I think is interesting and what I hope everybody focuses on is why would anybody be against your legislation? If your legislation is, as Mr. Kröll says, a restatement of Title VI of the Civil Rights Act, who would be against it? If your legislation merely requires people to carry out appropriate civil rights legislation or lose money, who could be against it? If your legislation only requires standing in court so people can enforce civil rights laws, who could be against it?

I think that there is a clearly signal here that obviously, someone, somewhere must be breaking the law; someone, somewhere must be violating the civil rights of children; someone, somewhere must be doing it, or everybody in the country would be here saying, "Senator Metzenbaum, the bill basically is a feature of Title VI, and we are on your side. This is something that we will do." No one should be against this piece of legislation.

Senator DODD. If I could, let me point out to the Reverend and others that I authored the Child Abuse Treatment and Prevention Act, and as part of that piece of legislation we came up with some additional funding under the Adoption Opportunities Act to provide resources specifically in the area of minority recruitment. And I'm sure there are people in the audience who would say, "You haven't done enough. We need more." But there has been at least a heightened degree of sensitivity here on the part of the Congress, reflected in the adoption of the legislation with no debate, no dissent, to try to see to it that we do a better job of using resources to assist in that effort.



I am sure your folks who work with the public agencies are aware of that, Reverend.

I did not mean to interrupt you, Howard.

Senator METZENBAUM. That's all right. I have nothing further, unless Mr. Kroll would care to respond.

Senator DODD. If I can, I just want to make one point. I want to be careful—and I don't know how you walk this line, and God knows, I don't want to be misperceived in what I am about to say—that I want to perpetuate a system that allows children to linger in foster care settings. I get a little apprehensive when people want to short-circuit the process, that we are getting away from the notion that ideally, that child should be reunited with the natural family. I feel very strongly about that. And we are trying to sensitize courts and family relations bureaus and so on. I feel the hairs on the back of my neck go up when I hear about some mother who has abused herself and bears a crack baby, and I guess my reaction is about as normal as any human being's—you just want to grab them at that point.

But I also know that what may really help that woman and that child in the long run is trying to get them back together. So if our instinctive reaction is to say, strip the parental rights immediately, when those things happen, I worry that we are missing another very important goal here that I presume all of us agree on. Ideally—maybe we need to restate it firmly—but ideally, we must try to keep families together. I mean, the best interest of the child is clearly a very important goal, but keeping a family together—and I don't mean "Ozzie and Harriet" and the Cleavers—I am talking about families as they look today, not necessarily what people may remember from their own childhoods—but nonetheless it is important to try to do that.

I can also immensely appreciate what happened to Shane, where years go by, and the children linger out there. To be able to come to some closure on these issues at some point—how you balance that—you are not going to find this Senator wanting to legislate that. I have got to have at least some confidence in the people out there who work in these agencies. This competence is important to build into these systems, instead of trying to legislate responsibility or common sense. I don't know if I am stating this very well, but sometimes it seems we think there is a bill for everything here. I think what my colleague was saying was that we have got to do a better job helping access black families for children. But I get nervous about our ability to somehow codify that notion, set some formula or time sequence or steps and criteria. Maybe we need to do more to sensitize our public agencies and our private agencies about moving more aggressively in that direction.

I basically believe that most people who work for these agencies are good people and care about this stuff. Anybody who works at an adoption agency who is a racist—I am sure they exist—but there is just something tremendously inconsistent about someone who chooses a career path where they are concerned about children, but is also bringing a lot of racial luggage to that effort. Maybe I am naive, but if we can tell people how we can better help them if we can get some resources to them, assist in those efforts, promote those efforts, I think we are probably doing a lot. I would

be very nervous about writing a bill that says you must meet a certain line, and over here, you haven't, but over here, you have. Joe, I know you are going to want to comment on this—

Mr. KROLL. I was going to offer a compromise to Senator Metzbaum.

Senator DODD. Sure. Let us hear it.

Mr. KROLL. I think that Bill is right—let me repeat that—I think that Bill is right that there are some States that, as a result of the Office of Civil Rights ruling on Title VI, have been sued because they gave preference to families of the same race. They have been sued in Illinois and in Michigan and in Minnesota and probably in Ohio and some others—I won't speak for Ohio, but I know Michigan, Illinois and Minnesota have been sued.

And if you look at the document that the Office of Civil Rights works from, which is dated the last day of the Carter administration, interestingly enough, it says pretty clearly that you cannot use race. So the document that is in existence right now says that you can't really use race in determining placement.

Senator DODD. I think it's a very good point, and Howard and I and our staffs have briefly discussed this. I think it is a very legitimate legal argument to raise about whether or not existing law under the Civil Rights Act covers this situation. I think that's a very legitimate question. I don't know if my colleague would agree or not.

Mr. KROLL. I guess the point I want to make is that this has caused part of the hardship, and I think we need to take the step and say that we make the proactive effort, and we codify that, for lack of a better word, to place same race; and if it doesn't happen in 90 days or whatever the magic number is, then we support a transracial placement. But right now the law says you really cannot consider race.

Senator DODD. At all. Is that your interpretation?

Mr. KROLL. Categorically, yes.

Senator DODD. You see, I think there is some question about that.

Senator METZENBAUM. But having said that, isn't it the fact that race is considered, that some black social workers are creating problems, and in some States there are laws on this subject that create problems?

Mr. KROLL. Yes, and those laws have been challenged, and the Office of Civil Rights is challenging them across the board right now.

Senator METZENBAUM. So if the law already is what you say it is—and I am not prepared to debate that issue—then what have we got to lose by passing this? No harm will be done. It would just clarify the situation.

Mr. KROLL. What I was asking you for, Senator, was that it be changed, and that there be efforts first to place children with same race, and then, within a reasonable time period, transracial placements are appropriate.

Senator METZENBAUM. You suggest that the law be written in those terms.

Mr. KROLL. Yes.

Senator METZENBAUM. How much is a reasonable time?



Mr. PIERCE. What Joe wants you to do is to change your law, as I hear it, to water down the impact of the current Office of Civil Rights ruling.

Senator DODD. Well, the Civil Rights Act provides protection from discrimination. The courts have ruled that race cannot be the deciding—the deciding—factor in adoption placement, but may be one of several factors considered if it is in the best interest of the child.

Mr. KROLL. The reason I keep waving this, Senator—and we passed it out to the press—Elizabeth Bartholet, who is a distinguished professor of family law at Harvard University has written for the University of Pennsylvania Law Review the definitive piece on this subject, and she argues—and Larry Tribe and others who are fine constitutional lawyers confirm—that there probably is in our Constitution no ability to discriminate in any way; that race and ethnicity should not be considered as a factor at all.

So actually, Senator Metzenbaum's bill is a middle ground between what Elizabeth Bartholet and Larry Tribe and others say we ought to be doing under our Constitution and what our current practice is. Senator Metzenbaum's bill is a compromise, a gradual movement toward what constitutional scholars say ought to be the practice.

Senator METZENBAUM. Mr. Chairman, I'd like to ask before we conclude that a transcript of the "60 Minutes" TV program on this subject, as well as a copy of the bill itself, be included in the record.

Senator DODD. No question. That will be made a part of the record.

[Due to the high cost of printing, the documents referred to are retained in the files of the committee.]

Senator DODD. We will look at this, obviously. As I have said, you can say, gee, these guys are really light-years apart from each other, but I don't think that's the case. I hear a lot of commonality being expressed. I am much more comfortable that we can strike positions here that will be acceptable. Everybody has the same desires and interests at heart here, I think. I don't hear a whole lot of opposition. Our goal is to try to help.

Having said that, I think the Civil Rights Act arguably may cover the situation. I would also say it has not been uncommon for us institutionally here, in order to make a point, to adopt legislation that in effect does not change the Civil Rights Act—obviously, we want to be careful about doing that—but in a sense strengthens what the desired goals are. Certainly, language can be included, I presume, either in legislative history or report language, or possibly even legislation itself, that covers the kind of ground we are talking about. And then we start arguing about who gets mentioned first or second in the sequence of things, and that is when you start arguing about how many angels can dance on the head of a pin.

Senator METZENBAUM. Thank you very much, Mr. Chairman.

Senator DODD. Thank you all immensely. We may have some additional questions in writing for you, but in the meantime, it has been tremendously informative and helpful to have you all here.

[Additional statements and material submitted for the record follow:]



July 15, 1993

TO: Senator Metzenbaum

FROM: Bill Pierce, Ph.D., President

SUBJECT: Public Service Advertising

TO BE INSERTED IN THE RECORD OF THE "BARRIERS TO ADOPTION HEARING"

At today's hearing, I noted with interest your comments and questions about the use of Public Service Advertising (PSAs) to help reach out to find more non-White families to adopt non-White children. May I ask, therefore, that the following be included in the hearing record.

A great deal has been done with PSAs, Sen. Metzenbaum, for precisely the reasons you mentioned in your comment during the hearing. First, we and other national groups worked with the Federal government to put together a PSA campaign. That campaign included, among other approaches, television spots which featured a Black adoptive parent, Taurean Blacque, and Dave Thomas, an adopted person who founded Wendy's. That campaign received some promotion from HHS, but we felt it was not sufficient. Therefore, using private charitable funds, we hired a firm and repackaged the HHS spots along with some of our own PSAs, which had been produced with the help of donated services from one of America's foremost creative people, Tim Love. As a result of the repackaging and distribution strategy, we got more than \$6 million in free air time for those spots.

And it is important to note what the private sector did to support this effort. Wendy's cooperated the first year in putting posters on the project in each of its stores. This last year, Wendy's even produced and paid for the posters itself. And they went into all the stores. Those posters referred callers to the 800 number which is largely supported by HHS funding, and many, many people called. However, despite this outreach nationally, the statistics show that the overwhelming majority of people who came forward to adopt were Whites. Yet, the majority of the waiting children are non-White, mostly of African-American heritage.

On the state level, it was good that the New Jersey effort was mentioned. That is one of several excellent projects launched by states. Some received partial federal funding. Some got support from foundations and corporations. One of the best packages, speaking in terms of the comprehensiveness and creativity of the approach, was done by the New York State Department of Social Services.

Clearly national and state PSA efforts help to raise the profile of waiting minority children. But despite good campaigns, not enough parents have come forward. More can be done with better and more sophisticated campaigns that clearly target minority families. I am sure that with your leadership, perhaps with Dave Thomas whose company is headquartered in Ohio assisting you, new, better and broader campaigns can be put together -- including campaigns for radio and for the print media. The National Council For Adoption has a Public Education Committee that would be glad to work with you on this.

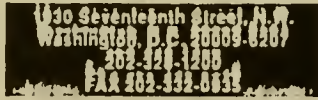
Still, there is a limit to the effectiveness of any outreach activity, including PSAs, when, as the other witnesses appropriately pointed out, there are major barriers within the system itself. We do support legislative and regulatory changes to change the system, but we do not



think any of those changes should be incorporated into your bill. Neither should your bill be held up while changes which have been needed for more than a decade work their way through the federal system.

WP/ms

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TRANSRACIAL ADOPTION:  
HIGHLIGHTS OF A 20 YEAR STUDY

Rita Simon\*

We recently concluded a twenty year study of transracial adoptees and their families. Our work began in the fall of 1971 in Chicago, St. Louis, Minneapolis, and Ann Arbor when we interviewed some 200 parents and their children (adoptees and birth) who were between four and seven years old. We gave the children the now famous dolls tests and other projective tests to assess attitudes, identities and awareness on the part of both the adopted and birth children. All of the birth children are white, 60 percent of the transracial adoptees are Black and the others are Korean and Native American. We conducted the last set of interviews with these, by now, adult children (adoptees and birth) in 1991. In the intervening years, we contacted the families two times in 1979 and 1983.

At each phase of the study, we reported the problems, setbacks, and disappointments, as well as the successes, the joys and the optimism about the future. Over the twenty year cycle, none of the families disrupted the adoption. There were separations and family break ups as a result of parental deaths and divorces. During the pre-adolescent years when the adoptees were eleven or twelve years old, we reported that in about 20 percent of the families there was stealing on the part of the adoptees, from other family members. The children stole money from their mother's purse, and phonographs, bikes and skates from their siblings. Most often they gave the items away. They did

not try to sell them, and the adoptees did not engage in other delinquent acts. Were these behaviors a function of the children's adopted status, their racial differences, or a combination of both? How long was this likely to continue and would the children be likely to engage in other forms of delinquent and criminal behavior as they grew older? We could find no references to these behaviors in studies that had been done of adopted children, but when we sought out clinicians whose caseloads often involved adoptees, we were told that intra-family stealing was not unusual. It was the adopted children's form of testing. How much of a commitment did the family have toward them? Were they prepared to keep them when things got rough, when they did not behave like model children? Were they really part of the family, for better or for worse?

Four years later when we went back to the families for the third time, none of them reported that the stealing had continued. It just stopped. But, as we discovered in the course of our interviews with the parents and the adolescents, all was not sweetness and light during the years of adolescence. Families reported drinking and drug problems, there were some runaways and truancy, mothers and fathers divorced. But we also found that there were no differences in the likelihood of such occurrences between the birth and adopted children. The activities ran in families; they were not favored by either the adoptees or the birth children; and race was not a salient characteristic.

In the last phase, when most of the respondents were no longer living with their parents, the adoptees were as much in touch with their parents, felt as much a part of their families, as did the birth children. Earlier, during the adolescent years, the scores on self esteem and the family integration scales had shown no difference between the transracial adoptees and the birth children.

On the matter of racial identity and racial awareness, we had reported twenty years earlier, after we had completed the



first phase of our study, that both the Black and White children, the transracial adoptees and the birth children, selected the "Black," "White," and "in between" dolls at random. Unlike all other previous doll studies, our respondents did not favor the white doll. It was not considered smarter, prettier, nicer, etc., than the black doll by either the white or black children. Neither did the other projective tests conducted during the same time period reveal preferences for white or negative reactions to black. Yet the Black and White children in our study accurately identified themselves as white or black on those same tests.

Over the years, we continued to ask about and measure racial attitudes, racial awareness and racial identity among the adopted and birth children. We also questioned the parents during the first three phases of the study about the activities, if any, that they as a family engaged in to enhance their transracial adoptee's racial awareness and identity. We reported conversations about race and racial issues over dinner, watching the TV series "Roots", joining Black churches, seeking out Black godparents, preparing Korean food, traveling to Native American festivals, and having lots of books, artifacts, music, etc. about Blacks, Koreans, Native American, etc. cultures. As the years progressed, it was the children, rather than the parents, who were more likely to want to call a halt to these types of activities. "Not every dinner conversation has to be a lesson in Black history," or "we are more interested in basketball and football than in ceremonial dances" were the comments we heard frequently from the TRAs as they were growing up.

But we found that both during adolescence and later as adults, the TRAs clearly were aware of and comfortable with their racial identity. They both laughed at and were somewhat scornful of the NABSWS characterization of them as "oreos -- black on the outside, white on the inside." As young adults, the Black adoptees stressed their comfort with their black identity and their awareness that they may speak, dress, and have different tastes in music than inner city blacks -- but the Black

experience is a varied one in this society and they are no less Black than are children of the ghetto.

Throughout the study we also described how the birth children were reacting to the transracial adoption experience. In the early years we reported occasional expressions of annoyance and anger at how much time and energy their parents were devoting to their adopted sibling. "Our family life has been turned upside down since "D" came home," or "M" gets all the attention." But these remarks were few and far between. In the large majority of the families, the Black adoptee was "my brother" or "my sister" to be cared about, played with, and, if necessary, protected. Race receded into the background. When fights and conflicts occurred, they were a function of personality, age, and gender differences. Both the parents and the children described the problems as "typical sibling rivalry." As adults, the birth children talk about the special window they had from which they were able to observe how Blacks and Whites interacted with each other and how families and communities responded to racial differences. They feel their lives were enriched by the transracial adoption experience; and that they, like their Black brother or Korean sister, have entered a more complex social world than would have been available to them had they grown up in an "all white" family.

Having reported a basically positive outcome for our twenty year study, and having been able to show the baselessness of the warnings and fears of the NABSW that the TRAs would grow up confused and ambivalent about their racial identities and "unable to cope with the racism that is endemic in American society," it would have been wonderful to be able to report that policies have also changed and that transracial adoptions have become accepted and widespread. Unfortunately, the latter has not happened and there are no signs that the NABSW was softened or changed their stand against transracial adoption. Even as thousands of Black children continue to spend years in institutions and in foster care, the NABSW continues to adhere to its 1971 position --





institutionalization and foster care are better than transracial adoption. One can only continue to wonder, better for whom? Certainly for those of us who support the court's standards of seeking to serve the "best interests of the child," adoption, permanent placement in a family, has to be a better solution. And because we believe adoption serves the best interests of the child, we also urge the continued and expanded use of subsidies to encourage and allow more families to adopt, especially because many of the potential parents in these families are likely to be foster parents of minority ethnic backgrounds.

Ordinary Black mothers and fathers understand that and support transracial adoptions. At its annual convention in 1987, the NAACP passed a resolution encouraging the adoption of policies that would place Black children for adoption without regard to race. The law condemns the use of race as the sole basis for an adoption decision and allows its consideration only as a factor in determining the best interest of the child.

We conclude our twenty year study with a plea-- move the thousands of children who are available for adoption out of institutions and out of temporary foster placements into permanent homes. Make the move without regard to race. Apply the standard "best interests of the child" as the first and foremost criterion in child placement.

To: Honorable Senator H. Metzenbaum  
U.S. Senate  
Washington, D.C. 20510

From: Amy Russell, Program Director  
CHILD FIRST UNITED  
2040 Spring Creek Pkwy. #141-276  
Flano, TX 75023  
(214)-517-1498

RE: Uniform Adoption Act - Transracial Adoption

Dear Senator Metzenbaum,

In lieu of recent National media coverage about "transracial adoption", I am quite concerned about the covert racism among policy makers and politicians who ignore or distort the racial and ethnic discrimination that continues to exist in the adoption field today. I am equally concerned that they lack the integrity to uphold the already established Civil Rights Act of 1964, which prohibits any discriminatory action or attitude based on race, color or national origin. Please remember that the Civil Rights Act does NOT make provisions for "partial discrimination" with language such as, "one may not be discriminated against based 'solely' on race, color, or national origin. It clearly states that "discrimination based on race, color, or national origin is prohibited".

Enclosed is a copy of some 'transracial adoption' legislation that has been enacted into law in Texas. This legislation passed unopposed with uniformity (as no one would publicly oppose any non-discriminatory bill thus implying that he/she supports discrimination). I suspect the same will be true at the congressional level, when similar legislation is introduced by your committee to ban racial and ethnic discrimination in America's child care system.

The states are ready; the American people are ready; the children are waiting!! We no longer want to support covert discrimination against children and families in America.

I hope you will find this legislation encouraging and you will be eager to support similar legislation that promotes non-racist placement of adoptive children. GOOD LUCK!

Sincerely,

*Amy H. Russell*



Senator METZENBAUM. This subcommittee will stand adjourned until further call of the chair.

[Whereupon, at 1:00 p.m., the subcommittee was adjourned.]



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